

Division IV
FISHING AND CONSERVATION OF THE LIVING
RESOURCES OF THE SEA¹

I. AUSTRALIA

(a) [~~FISHERIES ACT 1952-1970~~]

(b) PROCLAMATION OF 15 AUGUST 1968 OF GOVERNOR-GENERAL ON
FISHERIES WATERS³

Whereas the Fisheries Act 1952-1953 provided, and that Act as amended by any Act up to and including the Fisheries Act 1967 has continued to provide, by section 7, that the Governor-General may, by Proclamation, declare any Australian waters to be proclaimed waters for the purposes of that Act:⁴

and whereas by Proclamation published in the Gazette on the ninth day of December, One thousand nine hundred and fifty-four, certain Australian waters were declared to be proclaimed waters for the purposes of the Fisheries Act 1952-1953:

and whereas that Proclamation was varied by a Proclamation published in the Gazette on the sixteenth day of February, One thousand nine hundred and fifty-six:

and whereas it is desirable to revoke those proclamations and to make other provision in their stead:

now therefore I, Richard Gardiner, Baron Casey, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, hereby:

(a) Revoke the abovementioned proclamations published in the Gazette on the ninth day of December, One thousand nine hundred and fifty-four,

¹ Texts under this Division cover both the territorial sea and the high seas. For texts relating to sedentary fisheries on the continental shelf, see also *supra* DIVISION II.

² The Fisheries Act 1952 as subsequently amended—most recently by the Fisheries Act 1970 (No. 93 of 1970). For the text of the Fisheries Act 1952-1967, see ST/LEG/SER.B/6, pp. 421-424 and ST/LEG/SER.B/15, pp. 571-574. The Fisheries Act 1970 deleted “the Territory of Nauru” from the definition of “Territory” for the purpose of the Act. Otherwise the text reproduced in the above-cited documents remains unchanged.

³ *Commonwealth of Australia Gazette*, No. 71; 22 August 1968.

⁴ For the text of the Fisheries Act 1952-1953 and amendments thereto, see references in foot-note 2 *supra*.

and the sixteenth day of February, One thousand nine hundred and fifty-six, respectively; and

(b) Declare the Australian waters specified in the Schedule to this Proclamation to be proclaimed waters for the purposes of the Fisheries Act 1952-1967.

THE SCHEDULE

All those waters, other than waters that are within the territorial limits of a State or of a Territory of the Commonwealth, contained within the area bounded by a line commencing at the intersection of the parallel 26 degrees 40 minutes south latitude with the meridian 157 degrees 10 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 29 degrees south latitude with the meridian 160 degrees 5 minutes east longitude; thence proceeding along that meridian to its intersection with the parallel 32 degrees 25 minutes south latitude; thence proceeding in a straight line to the intersection of the parallel 34 degrees south latitude with the meridian 155 degrees 50 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 45 degrees 40 minutes south latitude with the meridian 152 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 47 degrees 20 minutes south latitude with the meridian 147 degrees 30 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 46 degrees 40 minutes south latitude with the meridian 143 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 34 degrees 57 minutes south latitude with the meridian 130 degrees 48 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 38 degrees 22 minutes south latitude with the meridian 115 degrees 8 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 36 degrees 10 minutes south latitude with the meridian 111 degrees 20 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 25 degrees 50 minutes south latitude with the meridian 108 degrees 40 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 19 degrees south latitude with the meridian 112 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 17 degrees 6 minutes south latitude with the meridian 118 degrees 40 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 11 degrees 57 minutes south latitude with the meridian 123 degrees 9 minutes east longitude; thence proceeding along that parallel to its intersection with the meridian 125 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 9 degrees 2 minutes south latitude with the meridian 133 degrees 32 minutes east longitude; thence proceeding along that parallel to its intersection with the meridian 135 degrees 38 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 9 degrees 43 minutes south latitude with the meridian 137 degrees 12 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 10 degrees 15 minutes south latitude with the meridian 138 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 9 degrees 35 minutes south latitude with the meridian 141 degrees 2 minutes east longitude; thence proceeding in a straight line to the middle of the mouth of the Bensbach River on the southern shore of the island of New Guinea; thence proceeding in a straight line to the point on the southern shore of that island at high water mark where the eastern bank of that river meets that shore; thence following the shores of that island at high water mark generally easterly as far as East Cape and thence generally north-westerly to the intersection of the northern shore of that island at high water mark with the meridian 141 degrees east longitude; thence proceeding along that meridian to its intersection with the Equator; thence proceeding along the Equator to its intersection with the meridian 160 degrees east longitude; thence proceeding along that meridian to its intersection with the parallel 4 degrees 50 minutes south latitude; thence proceeding along that parallel to its intersection with the meridian 159 degrees east longitude; thence proceeding in a straight line to

a point that lies 6 nautical miles north 42 degrees east true from Cape Friendship on Bougainville Island; thence proceeding in a straight line to a point that lies 4 nautical miles north 70 degrees 30 minutes east true from Cape Friendship; thence proceeding in a straight line to a point that lies 3 nautical miles south true from the southern point of the peninsula that bounds the harbour of Tonolai on Bougainville Island on the east; thence proceeding in a straight line to a point that lies 3 nautical miles south true from Moila Point on Bougainville Island; thence proceeding in a straight line to a point that lies 8 nautical miles south 69 degrees west true from Moila Point; thence proceeding in a straight line to the intersection of the parallel 8 degrees south latitude with the meridian 154 degrees east longitude; thence proceeding along that parallel to its intersection with the meridian 155 degrees east longitude; thence proceeding along that meridian to its intersection with the parallel 10 degrees south latitude; thence proceeding along that parallel to its intersection with the meridian 157 degrees 10 minutes east longitude; thence proceeding along that meridian to the point of commencement.

2. BRAZIL

(a) LEGISLATIVE DECREE NO. 221 OF 28 FEBRUARY 1967 ON FISHING¹

CHAPTER I

Fishing

Article 1. For the purposes of this Legislative Decree, fishing is defined as any activity designed to catch or gather animal or vegetable organisms normally or more commonly found in water.

Article 2. Fishing may be undertaken for the purposes of trade, sport or science.

1. Commercial fishing means fishing for the purpose of engaging in commercial activities, as provided for in the laws in force.

2. Fishing for sport means fishing which is carried out with hand lines, diving or any other equipment permitted by the competent authority and which in no event amounts to commercial activity.

3. Fishing in the interests of science means fishing carried out exclusively for research purposes by duly authorized institutions or persons.

Article 3. All animal or vegetable organisms found in territorial waters shall be public property.

Article 4. This Legislative Decree and the regulations, decrees and orders pertaining thereto shall apply in particular to:

(a) The inland waters of Brazil;

(b) The Brazilian territorial sea;

(c) The areas of the high seas, whether or not adjacent to the territorial sea, in accordance with the provisions of the international treaties and conventions ratified by Brazil;

¹ Text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.

(d) The continental shelf, up to a depth which is in conformity with the international treaties and conventions ratified by Brazil.

CHAPTER II

Commercial fishing

Title I. Fishing vessels

Article 5. Duly authorized vessels engaged exclusively and permanently in catching, processing or searching for animal or vegetable organisms naturally or more commonly found in water shall be deemed to be fishing vessels.

Sole paragraph. Fishing vessels, together with the nets used for commercial fishing or scientific purposes, shall be deemed to be capital goods.

Article 6. All Brazilian or foreign vessels engaged in commercial fishing must, in addition to complying with the requirements of the maritime authorities, be registered and authorized by the competent federal department.

Sole paragraph. Any vessel which fails to comply with the provisions of this article shall be debarred from operations until the requirements laid down by the competent authorities are fulfilled.

Article 7. Fishing vessels of whatever kind, and their crews and owners shall, except in matters falling within the competence of the Ministry of Marine with regard to national defence and safety of navigation and of the Ministry of Labour and Social Welfare with regard to social welfare, be subject to the provisions of this Legislative Decree.

Article 8. Only native-born or naturalized Brazilians or companies established in Brazil shall be registered by the Maritime Tribunal as owners of fishing vessels.

Article 9. Foreign vessels may engage in fishing activities in the waters referred to in article 4 of this Legislative Decree only when so authorized by the Minister of State for Agricultural Affairs.

Sole paragraph. For the purposes of this Legislative Decree, violations of the provisions of this article shall be deemed to constitute smuggling and the public authorities may issue an injunction against the vessel and its equipment and cargo and bring charges against the master in accordance with the criminal laws in force.

...

Article 12. Once they are registered and duly licensed, fishing vessels shall, in the normal course of fishing operations, have free access at any time of the day or night to Brazilian fishing ports and terminals.

...

Article 17. Coastal shipping regulations shall not apply to fishing vessels.

Title II. Fishing enterprises

Article 18. For the purposes of this Legislative Decree, the following is hereby defined as a "fishing enterprise" and consequently declared to be

a "basic enterprise": the activity of catching, preserving, processing or marketing animal or vegetable organisms naturally or more commonly found in water.

...

Article 19. No fishing enterprise, either Brazilian or foreign, may operate in Brazilian territory or in the waters referred to in this Legislative Decree without prior authorization from the competent federal authority; all such enterprises shall be duly registered and shall fulfil the reporting and any other prescribed requirements.

Sole paragraph. Any establishment which violates the provisions of this article shall be debarred from operating, without prejudice to any fine that may be applicable.

Article 20. Fishing enterprises operating on the date of entry into force of this Legislative Decree shall, within 120 days, apply for registration in accordance with the preceding article.

...

Title IV. Commercial fishermen

Article 26. Commercial fishermen means fishermen who are licensed by the competent department in accordance with the laws and regulations in force and make fishing their principal means of livelihood.

Sole paragraph. Such licences may be cancelled if it is established that the fisherman does not make fishing his habitual occupation or that he violates the provisions of this Legislative Decree and the regulations thereto when he engages in fishing.

Article 27. Commercial fishing shall be carried out by native-born or naturalized Brazilians or by foreigners, duly authorized by the competent body.

1. Commercial fishing shall be authorized for persons over 18 years of age.

2. Persons over 14 years of age shall be allowed on board ship as apprentice fishermen, if so authorized by the competent magistrate.

Article 28. In order to be licensed, commercial fishermen must obtain prior authorization from the Fisheries Development Board (SUDEPE) or the state authority empowered to apply and supervise the implementation of this Legislative Decree.

...

CHAPTER IV

Permits, prohibitions and concessions

Title I. General rules

Article 33. To the extent permissible under this Legislative Decree, fishing may be carried on in Brazilian territory and in extra-territorial waters, subject to compliance with the instructions agreed on between the competent body of the federal Government and the state authorities.

1. The list of species, minimum sizes and closed seasons shall be drawn up by SUDEPE.

2. Fishing may be temporarily or permanently prohibited in waters which are public or private property.

3. Fishing in waters which are private property shall require the express or tacit consent of the owners, in accordance with articles 599, 600, 601 and 602 of the Civil Code.

Article 34. The import or export or any aquatic species, at any stage of growth, and the introduction of indigenous or exotic species into inland waters without the authorization of SUDEPE shall be prohibited.

Article 35. Fishing shall be forbidden:

(a) In places or in seasons prohibited by the competent body;

(b) In areas where fishing may constitute a hazard to shipping;

(c) With dynamite or other common explosives or with substances which may act like explosives on contact with water;

(d) With poisonous substances;

(e) Less than 500 metres from sewer outlets.

Sole paragraph. The prohibitions set out in subparagraphs (c) and (d) of this article shall not apply to operations undertaken by the public authorities to exterminate species regarded as harmful.

...

Article 37. Sewage and liquid or solid industrial wastes may be discharged into waters only if they do not pollute them.

1. Pollution shall be deemed to be any change in the physical, chemical or biological properties of waters that may harm fauna or flora either directly or indirectly.

2. Each State Government shall be responsible for checking pollution and taking action to prevent it.

3. The Federal Government shall ensure compliance with the provisions of subparagraph 2.

Article 38. The discharge of oil and oil products into the waters specified by the competent body in accordance with international rules shall be prohibited.

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Title IV. Whale fishing and processing

Article 41. Land establishments intended for the processing of whales shall be termed Whale Fishing Land Stations.

...

Article 43. Authorization for Whale Fishing by the Land Stations provided for in this Legislative Decree shall be granted only if the land facilities and factory ships belonging to such establishments meet the technical requirements for the complete processing of whale products and by-products.

...

Article 45. SUDEPE shall prescribe the whaling seasons and the maximum catches.

(b) [DECREE LAW NO. 478 OF 27 FEBRUARY 1969, APPROVING THE INTERNATIONAL CONVENTION ON THE CONSERVATION OF TUNA AND RELATIVE SPECIES IN THE ATLANTIC]¹

(c) DECREE LAW NO. 1098 OF 25 MARCH 1970, ALTERING THE LIMITS OF THE TERRITORIAL SEA, article 4²

(d) DECREE NO. 68,459 OF 1 APRIL 1971 ON FISHING ZONES³

CHAPTER I

On fishing zones

Article 1. The following fishing zones are established in the Brazilian territorial sea:

I. A zone contained within 100 (one hundred) nautical miles, measured from the low water mark at the continental and island coast of Brazil, used as reference on Brazilian nautical charts.

II. Beyond the zone specified under item I, up to a limit of two hundred nautical miles.

Paragraph 1. In the zone referred to in item I of this article, fishing activities shall be conducted by Brazilian fishing vessels.

Paragraph 2. In the zone referred to in item II of this article, fishing activities may be conducted by Brazilian and foreign fishing vessels.

Paragraph 3. The exploitation of crustacea and other living resources, which are closely dependent on the sea-bed under the Brazilian territorial sea, is reserved to Brazilian fishing vessels.

Paragraph 4. Under the terms of this Decree, foreign fishing vessels leased by Brazilian legal entities headquartered in Brazil shall be considered equal to Brazilian fishing vessels, subject to the provisions of this Decree, of the Regulations on Maritime Traffic and of the Brazilian Maritime Legislation.

Paragraph 5. Under special circumstances, the Ministry of Agriculture, through SUDEPE,⁴ after consulting with the Navy Ministry, may allow foreign vessels to conduct fishing activities in areas within the zone referred to in item I of this article, subject to compensation in all cases.

Article 2. Fishing vessels will be considered those which, properly registered, enrolled and authorized in accordance with this Decree and further legislation in force, are exclusively and permanently involved in capture, processing or research of fauna and flora whose natural or most frequent habitat is the sea or the sea-bed.

Paragraph. When engaged in research activities, fishing vessels shall be subject to the requirements put forth in special legislation on such matters.

¹ For the text of the Convention, see *infra* PART II, DIVISION IV, SUBDIVISION A, 6.

² *Supra* DIVISION I, SUBDIVISION A, Chapter I, 2.

³ *Diário Oficial*, 2 April 1971. Entered into force on 2 April 1971, revoking Decree Nos. 58,696 and 65,005 of 22 June 1966 and of 18 August 1969, respectively. Unofficial English text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972.

⁴ Superintendência do Desenvolvimento da Pesca (Superintendency for the Development of Fisheries).

CHAPTER II

On activities of fishing vessels

. . .

Article 5. Foreign fishing vessels, not leased by Brazilian legal entities, may engage in fishing operations in the Brazilian territorial sea, in the zone set forth in item II of article 1 of this Decree, when authorized by the Minister of Agriculture after consultation with the Navy Ministry.

Paragraph 1. Fishing authorizations shall be granted for a maximum period of one (1) year, and may be renewed subject to the provisions of articles 6 and 7 of this Decree.

Paragraph 2. Authorizations granted shall specify fishing methods and gear to be employed.

Paragraph 3. Authorizations shall be valid only after payment of the registration and operation fees set forth in article 7.

Article 6. Applications for authorization referred to above shall be addressed to the Ministry of Agriculture and presented to SUDEPE through a Brazilian legal entity of established integrity which undertakes legal and financial responsibility for the activities to be carried out, and shall contain:

I. Name, nationality and other useful information on the foreign citizen or company requesting authorization.

II. Technical data on the vessels to be used and their respective equipment, including photographs, copies of the original registry documents, certified and with official translation attached, crew list and respective functions on board and proof that the vessel carries all up-to-date certificates required by International Conventions in force in Brazil.

III. Planned fishing routes, also mapped on a nautical chart of appropriate scale, indicating fishing plans and purposes as well as methods and techniques to be employed.

IV. Commitment to reserve room on board of each vessel so that representatives appointed by the Navy Ministry or the Ministry of Agriculture (SUDEPE) may observe fishing operations, partially or in full.

Paragraph. Applications received and examined by SUDEPE shall be sent by the Ministry of Agriculture to the Navy Ministry for evaluation, final decision to grant or deny the request being in the hands of the Ministry of Agriculture.

Article 7. After the request for authorization under article 6 has been granted, foreign fishing vessels not under lease shall undertake the following:

I. In order to be included in the General Fishing Register, pay a registration fee, in Brazilian currency, equivalent to \$US 500.00 (five hundred dollars).

II. In order to conduct fishing operations, pay an operation fee, in Brazilian currency, equivalent to \$ US 20.00 (twenty dollars) per net registered ton of vessel.

Article 8. The captains of foreign vessels operating in Brazilian territorial waters under the terms of articles 4 and 5 and paragraph 5 of article 1 of this Decree shall be bound to:

I. Use fishing logs adopted by SUDEPE and send them, duly filled out, to that agency at a time to be indicated.

II. Be familiar and comply with Brazilian laws and regulations, especially as regards fishing and prevention of sea pollution.

III. Use only methods and gear authorized by SUDEPE.

IV. Inform the Navy Ministry, for purposes of Maritime Traffic Control, Coast Patrol, Naval Police and Search and Rescue Service, of the day and hour of entry and exit of the vessel into and from waters of the Brazilian territorial sea, as well as of the position of the vessel in said waters, daily. Such information shall be transmitted, through SUDEPE radiotelephone stations or through the nearest Coast Station, to the Naval District Command of the fishing area.

Article 9. Foreign fishing vessels not under lease shall only land their catch at Brazilian ports under special circumstances and if duly authorized by SUDEPE.

Article 10. Transshipment of catch between any vessels in the territorial sea is subject to authorization and shall be made under the terms of said authorization, which shall be granted by the Ministry of Agriculture, after consulting with the Navy Ministry in each instance.

CHAPTER III

On control

Article 11. Control of fishing activities in the Brazilian territorial sea shall be exercised by the Navy Ministry and the Ministry of Agriculture, through SUDEPE.

...

Article 12. Notwithstanding other legal sanctions under the terms of Brazilian law, fishing vessels shall be subject to fines as set forth in chapters VI and VII of Decree-law 221 of February 28, 1967¹

...

3. CANADA

(a) FISHERIES ACT, 1952, AS AMENDED UP TO 1970²

...

Interpretation

2. *Interpretation*

In this Act,

(a) [Repealed.]³

¹ *Supra* (a).

² The Act of 1952 (*Revised Statutes of Canada*, 1952, Chapter 119) is reproduced in part in ST/LEG/SER.B/6, pp. 445-449. For its amendments up to 1965, see ST/LEG/SER.B/15, pp. 595-599. Subsequent amendments were made by 1968-69, c. 28 and 1969-70, c. 63. Text reproduced here includes some of the sections of the original Act which, though not amended, have not been reproduced in either of the two volumes.

³ By 1969-70, c. 63, s. 1 (1).

(ab) "Canadian fisheries waters" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada;

(b) "Close time" means a specified period during which fish to which it applies, may not be fished, and "closed time" or "closed season" has a similar meaning;

(c) "Fish" includes shell fish, crustaceans and marine animals;

(d) "Fishery" includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and also the pound, seine, net, weir, or other fishing appliance used in connection therewith;

(e) "Fishing" means fishing for or catching fish by any method;

(f) "Fishing vessel" means any vessel used, outfitted or designed for the purpose of catching, processing or transporting fish;

(g) "Lawful excuse" means

(i) Ability to prove that fish in possession during the close time therefor at the place of possession, were legally caught; or

(ii) The unintentional or incidental catching of any fish that may not then be taken, when legally fishing for other fish;

(h) "Minister" means the Minister of Fisheries and Forestry.

...

5. *Appointment of fishery officers*

(1) There may be appointed in the manner authorized by law, fishery officers, whose powers and duties are as defined by this Act and the regulations, and by instructions from the Minister, and whose titles are as specified in their appointments.

...

Fishery leases and licences

7. *Fishery leases and licences.*¹

...

Seal fishing

10. *Sedentary seal fisheries not to be disturbed*

(1) No one shall with boat or vessel or in any other way during the time of fishing for seals, knowingly or wilfully disturb, impede or injure any sedentary seal fishery, or prevent, or impede the shoals of seals from coming into such fishery or knowingly or wilfully frighten such shoals.

Salmon fishing

11. *Fry, parr or smolt, not to be killed*

Salmon fry, parr and smolt shall not at any time be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed, otherwise than by angling with hook and line.

¹ Same text as the one reproduced in ST/LEG/SER.B/6, p. 445.

12. *Use of nets regulated*

The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters except where otherwise provided by regulation and, where not otherwise specified by law, any fishery officer may determine the length and place of each net or other apparatus used in any Canadian fisheries waters.

13. *Distance of nets apart*

All stationary nets, or other stationary appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing nets or appliances of any kind being set or used.

...

Lobster fisheries

16. *Annual returns to Minister by owner or manager of lobster factory*

The owner or manager of every lobster factory or canning establishment shall, by the date fixed by the Minister for that purpose, deliver to the fishery officer for the district on a form provided by the Minister a statement under oath showing,

(a) The number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

(b) The number of persons employed in such factory or canning establishment, distinguishing the sexes;

(c) The number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended; and

(d) Such other details and particulars as are required by the Minister.

...

Possession of fish

18. *Possession of sale of fish prohibited*

No one, without lawful excuse, the proof whereof lies on him, shall fish for, buy, sell or have in his possession any fish, or portion of any fish, at a place where at that time fishing for such fish is prohibited by law.

...

General prohibitions

21. *Fishing in limits leased to another prohibited¹*

...

22. *Seines, nets, etc., not to obstruct navigation*

Seines, nets or other fishing apparatus shall not be set or used in such manner or in such place as to obstruct the navigation of boats and vessels and no boats or vessels shall destroy or wantonly injure in any way seines, nets or other fishing apparatus lawfully set.

...

¹ Same text as the one reproduced in ST/LEG/SER.B/6, pp. 445-446.

26. *Use of explosives prohibited*

No one shall hunt or kill fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials, or explosive projectiles or shells.

...

30. *Eggs and fry not to be destroyed*

The eggs or fry of fish on the spawning grounds, shall not at any time be destroyed.

31. [Repealed.]¹

...

Injury to fishing grounds and pollution of waters

33. *Throwing overboard of certain substances prohibited*

(1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, remains of offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus; such remains of offal may be buried ashore, above high water mark.

(2) *Deposit of deleterious substance prohibited.* Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where such deleterious substance or any other deleterious substance that results from the deposit of such deleterious substance may enter any such water.

(3) *Slash, stumps, etc, prohibited.* No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water.

(4) *Application of subsection (2).* Subsection (2) does not apply (a) to the deposit of waste of a type, in a quantity and under conditions authorized by regulations made by the Governor in Council under any other Act in any waters with respect to which those regulations are applicable, or in any place under any conditions where such waste or any other waste that results from the deposit of such waste may enter any such waters; or (b) to the deposit of a deleterious substance of a type, in a quantity and under conditions authorized by any regulations made by the Governor in Council under this Act for the purposes of this subsection in any water with respect to which those regulations are applicable, or in any place under any conditions where such deleterious substance or any other deleterious substance that results from the deposit of such deleterious substance may enter any such water.

¹ By 1969-70, c. 63, s.2.

(5) *Punishment.* Any person who violates any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars for each offence.

(6) *Continuing offences.* Where an offence under subsection (5) is committed on more than one day or is continued for more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.

(7) *Order to refrain.* Where a person is convicted of an offence under this section, the court may, in addition to any punishment it may impose, order that person to refrain from committing any further such offence or to cease to carry on any activity specified in the order the carrying on of which, in the opinion of the court, will or is likely to result in the committing of any further such offence.

(8) *Proof of offence.* In a prosecution for an offence under this section or section 33D, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

(9) *Action to enjoin not prejudiced by prosecution.* Notwithstanding that a prosecution has been instituted in respect of an offence under this section, the Attorney General of Canada may commence and maintain proceedings to enjoin any violation of any provision of this section.

. . .

(11) *Definitions.* For the purposes of this section and section 33A

(a) “deleterious substance” means

- (i) Any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered deleterious to fish or to the use by man of fish that frequent that water, or
- (ii) Any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered deleterious to fish or to the use by man of fish that frequent that water,

and without limiting the generality of the foregoing includes

- (iii) Any substance or any substance that is part of a class of substances prescribed pursuant to paragraph (a) of subsection (12),
- (iv) Any water that contains any substance or any substance that is part of a class of substances in a quantity or concentration that is equal to or in excess of a quantity or concentration prescribed in respect of that substance or class of substances pursuant to paragraph (b) of subsection 12, and
- (v) Any water that has been subjected to a treatment process or change prescribed pursuant to paragraph (c) of subsection (12); and

(b) "Water frequented by fish" includes all waters in the fishing zones of Canada.

(12) *Regulations.* The Governor in Council may make regulations prescribing

(a) Substances and classes of substances,

(b) Quantities or concentrations of substances and classes of substances in water, and

(c) Treatments, processes and changes of water

for the purpose of subparagraphs (iii) to (v) of paragraph (a) of subsection (11).

33A. *Minister may require plans and specifications*

(1) The Minister may require any person who proposes to construct, alter or extend any work or works that, upon completion thereof, will form all or part of an undertaking the operation of which will or is likely to result in the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where such deleterious substance or any other deleterious substance that results from the deposit of such deleterious substance may enter any such water, to provide him with a copy of such plans and specifications relating to the work or works as will enable him to determine whether the deposit of the deleterious substance that will or is likely to occur if the construction, alteration or extension is carried out in accordance therewith would constitute an offence under subsection (5) of section 33.

...

33B. *Inspector*

(1) The Minister may designate any qualified person as an inspector for the purposes of this section; and any person so designated may, at any reasonable time,

(a) Enter any area, place or premises, other than a private dwelling place or any part of any such area, place or premises that is designed to be used and is being used as a permanent or temporary private dwelling place, in which any construction, alteration or extension of a work or works described in section 33A is being carried on; and

(b) Conduct such inspections of the work or works being constructed, altered or extended as he deems necessary in order to determine whether any plans and specifications provided to the Minister, and any modifications required by the Minister, are being complied with.

...

33C. *Obstruction of inspector*

(1) No person shall obstruct or hinder an inspector in the carrying out of his duties or functions under section 33B.

(2) *False statements.* No person shall knowingly make a false or misleading statement, either verbally or in writing, to an inspector engaged in carrying out his duties or functions under section 33B.

33D. *Offences and punishment*

(1) Any person who

(a) Fails to provide the Minister with any plans and specifications required of him pursuant to subsection (1) of section 33A,

(b) Constructs, alters or extends any work described in subsection (1) of section 33A

(i) Otherwise than in accordance with any plans and specifications provided to the Minister in accordance with a requirement made under that subsection, or with any such plans and specifications as required to be modified by any order made under subsection (2) of that section, or

(ii) Contrary to any order made under subsection (2) of that section prohibiting the carrying out of such Construction, alteration or extension, or

(c) Fails to provide the Minister with any information and samples requested of him pursuant to subsection (3) of section 33A within a reasonable time after the making of the request,

is guilty of an offence and is liable on summary conviction to the punishment provided in subsection (5) of section 33.

(2) Any person who violates section 33C is guilty of an offence punishable on summary conviction.

Regulations

34. *Regulations*¹

The Governor in Council may make regulations for carrying out the purposes and provisions of this Act and in particular, but without restricting the generality of the foregoing, may make regulations

...

(g) Respecting the terms and conditions under which a lease or licence may be issued;

...

Marine plants

34A. *Prohibition of harvesting of marine plants in certain cases*

Except in accordance with the conditions of a licence issued by the Minister under section 34B, no person shall harvest marine plants in the coastal waters of Canada in contravention of any regulation made pursuant to paragraph (a) of section 34C.

34B. *Licences*

The Minister may, on receipt of an application made in accordance with the regulations, issue a licence to the applicant therefor for the harvesting

¹ Except paragraph (g), the text reproduced in ST/LEG/SER.B/15, p. 596 remains unchanged.

of marine plants in the coastal waters of Canada for a term not exceeding one year and on such conditions relating to

- (a) The nature of the gear and equipment to be used in such harvesting,
 - (b) The manner in which harvesting is to be carried out,
 - (c) The quantity of marine plants authorized to be harvested thereunder,
- and
- (d) The area or areas within the coastal waters of Canada where the harvesting is to be carried out or where harvesting may not be carried out, as he considers to be necessary for the protection and conservation of the marine plant resources of the coastal waters of Canada.

34C. *Regulations*

The Governor in Council may make regulations

- (a) Prohibiting, subject to the conditions of any licence issued by the Minister under section 34B,
- (i) The harvesting of marine plants or of any class of marine plants.
- (ii) The harvesting of marine plants or of any class of marine plants in quantities in excess of quantities specified in the regulations; or
- (iii) The harvesting of marine plants or of any class of marine plants in a manner specified in the regulations,

in the coastal waters of Canada or any area or areas of the coastal waters of Canada specified in the regulations;

- (b) Prohibiting, notwithstanding the conditions of any licence, the harvesting of marine plants or of any class of marine plants in any area or areas of the coastal waters of Canada for such period or periods as are specified in any such regulation; and

- (c) Requiring persons to whom licences are issued under section 34B to maintain such books and records and to make such returns of information to the Minister as the Governor in Council deems necessary for the enforcement of this Act and the regulations.

34D. *Interpretation*

For the purposes of sections 34A to 34C

- (a) "Coastal waters of Canada" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada not within the geographical limits of any province;
- (b) "Harvest" includes cut, take, dredge, rake or otherwise obtain; and
- (c) "Marine plant" includes all benthic and detached algae, marine flowering plants, brown algae, red algae, green algae and phytoplankton.

Powers of fishery officers and other justices

35. [Repealed]

36. *Search may be made or authorized under warrant.*²

¹ By 1960-61, c. 23, s.6.

² Same text as the one reproduced in ST/LEG/SER.B/6, p. 447.

37. *Arrest.*¹

38. *In what locality offence may be prosecuted.*²

...

41. *Disputes how settled.*¹

...

43. *Boundaries of estuary fishing*¹

...

45. ~~[Repealed]~~³

...

Offences and penalties

...

55. *Penalty for using trawls*

(1) Every person is guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,

(a) With intent to fish or to cause any other person to fish with a vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

(b) Knowingly brings into Canada any fish taken or caught in the sea beyond Canadian fisheries waters with any vessel that uses an "otter" or other trawl of a similar nature, or any vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea beyond Canadian fisheries waters, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64.

(2) ~~[Repealed]~~³

(3) *Fishing restricted to 12 mile limit.* No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic seacoast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit, which the Minister is hereby authorized to issue for that purpose.

¹ Same text as the one reproduced in ST/LEG/SER.B/15, pp. 597-599.

² By 1960-61, c.23, s.7.

³ By 1969-70, c.63, s.6(1).

(3a) *Exception.* The Minister may also, by order, exempt any class of dragger or trawler defined by the regulations from the operation of subsection (3) in respect of any area on the Atlantic seacoast of Canada.

...

58. *Use of rockets or explosives*

Every person who hunts or kills fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials or explosive projectiles or shells, is liable to a penalty of not less than one hundred dollars and costs, or to imprisonment for not less than three months, or both, and not more than five hundred dollars and costs or to imprisonment for six months or both.

...

64. *Seizure of vessels, etc.*¹

...

66. *Penalties not otherwise provided for*

Except as herein otherwise provided, everyone who violates or prepares to violate any provision of this Act, or any regulation, is liable to a penalty of not more than one thousand dollars and costs, and, in default of payment, to imprisonment for a term not exceeding twelve months, or to both.

...

Application of act to the high seas

76. *Application to High Seas*

The provisions of this Act and the regulations that apply to any or all of Canadian fisheries waters, without anything in the context of such provisions indicating that they apply to any specified area of Canadian fisheries waters, shall, in relation to any fishing vessel on the High Seas that is subject to the jurisdiction of Canada, or any act or thing done or omitted to be done on, from or by means of any such fishing vessel, be deemed to extend and apply to the High Seas.

...

(b) COASTAL FISHERIES PROTECTION ACT, 1953, AS AMENDED UP TO 1970²

...

2.

...

(e) "Fishing vessel" includes any ship or boat or any other description of vessel used in or equipped for

¹ Same text as the one reproduced in ST/LEG/SER.B/15, pp. 597-599.

² The Act of 1953 (*Statutes of Canada*, 1952-1953, Chapter 15) is reproduced in part in ST/LEG/SER.B/6, pp. 450-453. The most recent amendment was made by the Act to Amend the Coastal Fisheries Protection Act (18-19 Elizabeth II, Chapter 27, Assented to 25 March 1970). Except the paragraph reproduced here, the original Act as amended up to 1964 (see ST/LEG/SER.B/15, p. 599) remains unchanged.

- (i) Fishing or processing or transporting fish from fishing grounds,
- (ii) Taking, processing or transporting marine plants, or
- (iii) Provisioning, servicing, repairing or maintaining any vessels of a foreign fishing fleet while at sea;

...

(c) TERRITORIAL SEA AND FISHING ZONE ACT OF 16 JULY 1964, AS AMENDED BY ACT OF 1970, sections 4 and 5.¹

(d) BRITISH COLUMBIA FISHERY REGULATIONS OF 8 DECEMBER 1954, AS AMENDED UP TO 1971²

...

Licences, vessel registration and permits

31.

(1) Subject to these Regulations, no person shall, except under a personal commercial fishing licence issued by the Minister

(a) Fish in any waters of the province with nets or other apparatus; or

(b) Leave any port or place in British Columbia to fish with nets or other apparatus either inside or outside territorial waters adjacent to the province.

(2) Subject to subsection (3), a personal commercial fishing licence may be issued only to

(a) A person who is a Canadian citizen or has served in the Canadian Armed Forces; or

(b) A landed immigrant during the first five years of his residence in Canada.

(3) A personal commercial fishing licence issued pursuant to subsection (2) shall, where the person to whom the licence was issued is a landed immigrant or a person under eighteen years of age, cease to be valid if that person acts as captain or operator upon a commercial fishing vessel outfitted for catching fish or as operator of any commercial fishing gear or equipment.

(4) A person who is under sixteen years of age may engage in commercial fishing without obtaining a personal commercial fishing licence.

(5) The holder of a personal commercial fishing licence shall, at all times, when engaged in fishing, carry his licence with him and shall, on demand by a fishery officer or fishery guardian, produce his licence to the fishery officer or fishery guardian.

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter 1, 3(a).

² The 1954 Regulations (P.C. 1954-1910, SOR/54-659, *Canada Gazette*, Part II, Vol. 88, No. 24; 22 December 1954) as amended by P.C. 1969-319 are reproduced in part in ST/LEG/SER.B/15, pp. 613-614. The most recent amendments were made by P.C. 1971-474; 16 March 1971. SOR/71-106; *ibid.*, Vol. 105, No. 7; 14 April 1971. Except the sections reproduced here, subsequent amendments have not affected the sections appearing in ST/LEG/SER.B/15.

(6) No person shall hold more than one personal commercial fishing licence.

...

65.

...

(h) [Repealed]

(i) [Repealed]

...

(e) [LOBSTER FISHERY REGULATIONS OF 15 MAY 1963, AS AMENDED UP TO 1969]¹

(f) [WHALING REGULATIONS OF 19 MARCH 1964, AS AMENDED UP TO 1971]²

(g) SEAL PROTECTION REGULATIONS OF 19 MAY 1966, AS AMENDED UP TO 1968⁴

.....

2.

(1) In these Regulations,

...

(h) "Sealing" means the hunting for, killing and skinning of seals, the handling and transporting of raw seal pelts from the place where they are killed to the land and the transporting of persons engaged in sealing to and from the killing area, and includes searching for seals from helicopters and other aircraft.

...

12.

(1) Subject to subsections (2) and (3), no person shall use a helicopter or other aircraft for any purpose in sealing except that

(a) In District No. 2 of the Gulf Area, helicopters and other aircraft may be used in sealing; and

¹ P.C. 1963-754; 15 May 1963. SOR/63-171, *Canada Gazette*, Part II, Vol. 97, No. 11; 12 June 1963. The most recent amendments were made by P.C. 1969-1711. SOR/69, *ibid.*, vol. 103, No. 18; 24 September 1969. The Regulations as amended up to 1966 are reproduced in part in ST/LEG/SER.B/15, p. 607. Subsequent amendments have not affected the part reproduced therein.

² P.C. 1964-400. SOR/64-117, *ibid.*, Vol. 98, No. 7; 8 April 1964. The most recent amendments were made by P.C. 1971-983; 25 May 1971. The Regulations as amended up to 1967 are reproduced in part in ST/LEG/SER.B/15, p. 608. Subsequent amendments have not affected the parts reproduced therein.

³ P.C. 1966-904; 19 May 1966. SOR/66-235, *Canada Gazette*, Part II, Vol. 100, No. 11; 8 June 1966.

⁴ The most recent amendments were made by P.C. 1968-377; 29 February 1968, SOR/68-78, *ibid.*, Vol. 102, No. 5; 13 March 1968. The Regulations as amended by P.C. 1966-2154 are reproduced in part in ST/LEG/SER.B/15, pp. 609-611. Only the sections amended thereafter are reproduced here.

(b) In Districts Nos. 1 and 3 of the Gulf Area and in the Front Area, helicopters and other aircraft may be used from a land base for searching for seals.

(2) Except for searching for seals from a land base, no person shall use a helicopter or other aircraft in sealing unless he has an aircraft sealing licence issued by the Minister.

13.

(1) No person shall take or kill seals from or by means of a licensed vessel or helicopter or other aircraft

(a) In the Front Area from the twenty-sixth day of April, in any year, to the twenty-first day of March next following, both days inclusive; or

(b) In the Gulf Area from the twenty-sixth day of April, in any year, to the seventeenth day of March next following, both days inclusive.

...

14.

No person shall take or kill seals by any means in the Gulf Area or Front Area unless he

(a) Has a sealer's licence issued by the Minister;

(b) Is wearing over or attached to his outer clothing so it is visible at all times the means of identification issued with the licence; and

(c) Is complying with any further directions respecting the wearing of the means of identification that may be given by a fishery officer who is present at the seal hunt.

(h) TUNA FISHERY REGULATIONS OF 22 SEPTEMBER 1966¹ AS AMENDED UP TO 1969²

...

4.

(1) No person shall fish for, transport, process or have in his possession any yellowfin from September 30 to December 31 in any year in the area described in the Schedule.

(2) Notwithstanding subsection (1), a person, in the course of fishing for tuna other than yellowfin, may take a quantity of yellowfin not exceeding fifteen percent by pound weight of all tuna on the vessel.

...

6.

Any closed time or fishing quota that is fixed by these Regulations may be varied by order of the Minister.

¹ P.C. 1966-1797; 22 September 1966. SOR/66-449, *Canada Gazette*, Part II, Vol. 100, No. 19; 12 October 1966.

² Amendments were made by P.C. 1968-1775. SOR/68-431, *ibid.* Vol. 102, No. 19; 9 October 1968 and by P.C. 1969-698. SOR/69-180, *ibid.*, Vol. 103, No. 9; 14 May 1969. The Regulations as amended in 1966 are reproduced in part in ST/LEG/SER.B/15, p. 612. Only the sections amended thereafter are reproduced here.

(i) TERRITORIAL SEA AND FISHING ZONES GEOGRAPHICAL CO-ORDINATES (AREAS 4, 5 AND 6) ORDER OF 1969, sections 2-5 and schedule¹

(j) [NOVA SCOTIA FISHERY REGULATIONS OF 17 FEBRUARY 1970, AS AMENDED UP TO 1971]²

(k) FISHING ZONES OF CANADA (ZONES 1, 2 and 3) ORDER OF 25 FEBRUARY 1971³

2. In this Order,

(a) "C.H.S. Chart" means Canadian Hydrographic Service Chart; and

(b) "Geographical co-ordinates of points" means the latitude and longitude of points determined by reference to columns III and IV in the description of Zones set out in the Schedule.

3. The areas of the sea adjacent to the coast of Canada and described in the Schedule are hereby prescribed as fishing zones of Canada.

SCHEDULE

ZONE I

Gulf of St. Lawrence

being those areas of the sea adjacent to the coast of Canada, bounded by straight lines joining the geographical co-ordinates of points set out below:

<i>Column I Area</i>	<i>Column II Locality</i>	<i>Column III Latitude</i>	<i>Column IV Longitude</i>	<i>Column V C.H.S. Chart</i>
Strait of Belle Isle	1. Eastern White Island	51° 34' 52" N	55° 21' 00" W	4731
	2. Northeast Ledge	52° 02' 07" N	55° 16' 04" W	4705
	3. Double Island	52° 15' 30" N	55° 32' 58" W	4701
Cabot Strait	1. Money Point	47° 01' 46" N	60° 23' 25" W	4363
	2. St. Paul Island	47° 11' 28" N	60° 08' 45" W	4450
	3. Cape Ray	47° 37' 15" N	59° 18' 20" W	4015

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter I, 3(b).

² P.C. 1970-302; 17 February 1970. SOR/70-80, *Canada Gazette*, Part II, Vol. 104, No. 5; 11 March 1970. The most recent amendment was made by P.C. 1971-1174; 15 June 1971. The Regulations apply only to "persons in the Province" of Nova Scotia and "in respect of the seacoast and inland fisheries of the Province." (Section 3)

³ P.C. 1971-366; 25 February 1971. SOR/71-81, *Canada Gazette*, Part II, Vol. 105, No. 5; 10 March 1971. Entered into effect on 10 March 1971.

SCHEDULE

ZONE 2

Bay of Fundy

being that area of the sea adjacent to the coast of Canada, bounded by straight lines joining the geographical co-ordinates of points set out below:

<i>Column I Area</i>	<i>Column II Locality</i>	<i>Column III Latitude</i>	<i>Column IV Longitude</i>	<i>Column V C.H.S. Chart</i>
Bay of Fundy	1. Whipple Point	44° 14' 12" N	66° 23' 48" W	4011
	2. Gannet Rock	44° 30' 34" N	66° 46' 57" W	4340
	3. Yellow Lodge	44° 29' 01" N	66° 51' 05" W	4340
	4. Machias Seal Island	44° 29' 58" N	67° 06' 05" W	4340
	5. Machias Seal Island	44° 30' 00" N	67° 06' 10" W	4340
	6. Machias Seal Island	44° 30' 06" N	67° 06' 16" W	4340
	7. North Rock	44° 32' 16" N	67° 05' 18" W	4340
	8. Pandora Head Grand Manan	44° 39' 27" N	66° 53' 32" W	4340
	9. Grand Manan	44° 39' 41" N	66° 53' 27" W	4340
	10. Grand Manan	44° 43' 11" N	66° 51' 52" W	4340
	11. Grand Manan	44° 43' 23" N	66° 51' 44" W	4340
	12. Grand Manan	44° 44' 10" N	66° 51' 11" W	4340
	13. Grand Manan	44° 45' 37" N	66° 50' 06" W	4340
	14. Grand Manan Channel	44° 47' 39.58" N	66° 53' 09.62" W	4340

SCHEDULE

ZONE 3

Queen Charlotte Sound, Hecate Strait and Dixon Entrance

being those areas of the sea adjacent to the coast of Canada, bounded by straight lines joining the geographical co-ordinates of points set out below:

<i>Column I Area</i>	<i>Column II Locality</i>	<i>Column III Latitude</i>	<i>Column IV Longitude</i>	<i>Column V C.H.S. Chart</i>
Queen Charlotte Sound	1. Winifred Island	50° 39' 40" N	128° 22' 00" W	3625
	2. Beresford Islands	50° 47' 03" N	128° 46' 04" W	3625
	3. Sartine Islands	50° 49' 02" N	128° 56' 24" W	3625

SCHEDULE (*suite*)
 ZONE 3 (*suite*)
 Queen Charlotte Sound, Hecate Strait and Dixon Entrance (*suite*)

Column I Area	Column II Locality	Column III Latitude	Column IV Longitude	Column V C.H.S. Chart
Queen Charlotte Sound	4. Triangle Island	50° 51' 09" N	129° 05' 24" W	3625
	5. Kerouard Islands	51° 54' 20" N	130° 58' 12" W	3825
	6. Kerouard Islands	51° 54' 38" N	130° 59' 04" W	3825
	7. Kerouard Islands	51° 55' 20" N	131° 00' 17" W	3825
	8. Kunglit Island	51° 56' 37" N	131° 01' 52" W	3825
Dixon Entrance	1. Langara Island	54° 14' 58" N	133° 04' 48" W	3868
	2. Point A of Line A-B	54° 39' 45.16" N	132° 40' 51.18" W	3002

(I) INTERNATIONAL PACIFIC HALIBUT CONVENTION REGULATIONS, 1971¹

Section 1. Regulatory Areas

(a) The "convention waters" which include the territorial waters and the high seas off the western coasts of Canada and the United States of America shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

...

Section 3. Closed Seasons

(a) Under paragraph 1 of Article 1 of the Convention, all convention waters shall be closed to halibut fishing except as provided in Section 2 of these regulations.

(b) All convention waters, if not already closed under other provisions of these regulations, shall be closed to halibut fishing at 0600 hours of the 15th day of November and shall remain closed until reopened as provided

¹ P.C. 1971-547; 23 March 1971. SOR/71-128, *Canada Gazette*, Part II, Vol. 105, No. 7; 14 April 1971. The Regulations implement the Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between Canada and the United States of America, signed on 2 March 1953 (United Nations, *Treaty Series*, vol. 222, p. 77. Reproduced in part in ST/LEG/SER.B/8, pp. 51-53). In accordance with section 16, these regulations are to be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. They supersede all previous regulations, including those of 1966 reproduced in part in ST/LEG/SER.B/15, pp. 608-609.

in Section 2 of these regulations, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in these regulations shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged. Nor shall anything in these regulations prohibit the International Pacific Halibut Commission, hereafter in these regulations referred to as "the Commission," from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article 1 of the Convention.

...

Section 7. Licensing of Vessels

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which use hook and line gear other than set lines need not be licensed.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut licence thus secured when it is validated for halibut fishing, and this licence shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut licence shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission.

(d) The halibut licence of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required and at such times as required by other provisions of these regulations.

...

(q) A halibut licence shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to an area open to halibut fishing, or to or within a port of sale. The said licence shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing, or if the vessel has not complied with the provisions of Section 15 of these regulations, if applicable.

(r) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section of these regulations shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

...

(t) No person on any vessel which is required to have a halibut licence under paragraph (a) of this section shall fish for halibut or have halibut in

his possession, unless said vessel has a valid licence issued and in force in conformity with the provisions of this section.

Section 8. Statistical Return by Vessels

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under these regulations following the landing, sale or transfer of halibut but prior to validation of the licence for any subsequent fishing operation or at first entry thereafter into a port where there is an officer authorized to receive such return except that statistical return must be made within 96 hours of landing, sale or transfer of halibut following the final fishing operation in 1971.

...

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut licence after such sworn return is made shall be provisional and shall not render the licence valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a licence under these regulations shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

...

Section 10. Dory Gear Prohibited

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in all convention waters.

Section 11. Retention of Halibut Taken by Nets

(a) It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while fishing with any net or nets other than bait nets in any convention waters.

(b) All vessels with any halibut on board are prohibited to use or possess any net or nets other than bait nets.

...

Section 13. Responsibility of Master

Wherever in these regulations any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the

performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

...

4. CYPRUS

(a) SPONGE FISHERY LAW OF 1890¹

...

PART I

Grants of exclusive licences

2. *Governor may grant exclusive right*

The Governor,² whenever he shall deem it expedient in the interest of the public revenue, may grant to any person or body of persons (hereinafter called the grantee) the exclusive licence to use vessels or boats in fishing for sponge on the coasts of Cyprus or on any specified part thereof, subject to such conditions as the Governor shall approve.

...

6. *Penalty for sponge fishing without permission*

Every person who during the continuance of such grant shall use any vessel or boat for the purpose of fishing for sponge on any part of the coast in respect of which the grant has been made, without the permission of the grantee, shall be guilty of an offence; and for every such offence shall be liable to a fine not exceeding one hundred pounds; and all vessels and boats so used shall be liable to seizure and may be forfeited at the discretion of the Court before which the offence is tried.

One-half of every fine imposed and actually recovered under this section shall be paid to the grantee within the limits of whose grant the offence was committed.

PART II

General licences and penal provisions

7. *Illegal fishing for sponge*

It shall be unlawful for any person:

(a) To fish for sponge within the territorial waters of Cyprus unless he is duly licensed in that behalf under the provisions of this Law; or

(b) To use any trawling or scratching apparatus or appliance of the like nature in fishing for sponge within the said waters, unless specially licensed so to do as hereinafter provided.

¹ Chapter 146; 12 May 1890. Text provided by the Ministry of Foreign Affairs of Cyprus in a note verbale of 11 May 1971.

² All references to "Governor" in this law should be read now as "Council of Ministers".

8. *Special licences*

The Governor may grant permission by special licence under his hand to any person to use any appliance specified in the licence for the taking of sponges within any part of the territorial waters of Cyprus, and may annex to the licence any conditions he may consider expedient.

Every person who within the territorial waters of Cyprus acts contrary to any condition stated in such special licence or uses any appliance not specified therein shall be guilty of an offence against this Law.

...

10. *Offences*

The master and each member of the crew of any boat or vessel whereon or by means of which an offence against any of the provisions of the last three preceding sections is committed, shall be liable to a fine not exceeding twenty-five pounds, and the vessel or boat whereon or by means of which the offence was committed shall be forfeited, together with her tackle, apparel, and furniture: provided that no member of the crew of any boat or vessel shall be guilty of an offence against this Part of this Law by reason only of an act done in obedience to the master or person in charge of the boat or vessel.

11. *Forfeiture of sponge*

All sponge taken otherwise than in accordance with this Law or with the conditions of any licence issued under this Law shall remain and be the property of the Government.

12. *Licences*

(1) The Governor in Council may prescribe the charges, terms and conditions under which licences enabling any persons to fish for sponge within the territorial waters of Cyprus may be granted, and may appoint such persons as he shall think fit to issue such licences.

(2) Any person committing a breach of or failing to comply with the terms of any licence granted under this Law shall be liable to a fine not exceeding one hundred pounds, without prejudice to any other penalty to which he may be liable: provided always that no person shall be punished twice for the same offence.

...

14. *Declaration of sponge landed*

All sponge taken by any licensed boat within the territorial waters of the Colony and landed shall be declared at the nearest Custom House as having been so taken, and the quantity and value thereof shall be stated in the declaration. In default of such declaration, the sponge shall be presumed, in the absence of proof to the contrary, to have been taken beyond the territorial waters and to be liable to import duty.

15. *Power to detain and search vessels*

Any Officer of Customs or any officer in command or charge of any vessel or boat in Her Majesty's Navy may, within the territorial waters of the Colony, detain, go on board, and search any vessel found fishing or which

may reasonably be suspected to have been fishing or to be about to fish for sponge within the waters of the Colony.

Any unlicensed boat or vessel which may be found within the waters of Cyprus with freshly taken sponge on board shall be deemed to have committed an offence against this Law unless and until it is proved that the sponge was not in fact taken in contravention of this Law.

16. *Duty of boats to bring to*

If any boat or vessel within the territorial waters of the Colony shall not bring to when required to do so by any boat or vessel in charge or command of an Officer of Her Majesty's Navy or of an Officer of Customs, the master of such first-named boat or vessel shall on conviction pay a fine of ten pounds; and on such boat or vessel being chased by any boat or vessel in such charge or command as aforesaid, it shall be lawful for the officer in charge or command (having first caused a gun to be fired as a signal) to fire at or into the boat or vessels so chased as aforesaid; and any officer or other person acting on his order or by his direction shall be and is hereby indemnified and discharged from any prosecution, penalty, action or proceeding.

(b) FISHERIES LAW OF 1931¹

...

3. *No vessel to be used for fishing without a licence*

(1) No vessel shall be used for the purpose of taking fish in the Colony unless a licence has been issued in respect thereof under the provisions of this Law.

(2) Any person using a vessel in contravention of subsection (1) hereof and the owner of such vessel shall be guilty of an offence and shall on summary conviction be liable to imprisonment for any term not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine.

...

5. *Use of explosives or poisons*

Any person who:

(a) takes, stupefies or kills or attempts to take, stupefy or kill any fish by the use of dynamite or other explosive substance or by the use of any noxious or poisonous matter; or

(b) is found in possession of dynamite or other explosive substance or of noxious or poisonous matter in such circumstances as to satisfy the Court before which he is tried that he intended to use the dynamite or other explosive substance or the noxious or poisonous matter for the purpose of taking, stupefying or killing fish; or

(c) sells, exposes for sale or hawks, or knowingly possesses or transports, fish which has been taken by the use of dynamite or any other explosive substance or by the use of any noxious or poisonous matter,

¹ Chapter 135; 15 May 1931. Text provided by the Ministry of Foreign Affairs of Cyprus in a note verbale of 11 May 1971.

shall be guilty of an offence and shall on summary conviction be liable to imprisonment for any term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

7. *Powers to peace officers or officers of Customs and Excise*

Any peace officer of Customs and Excise may, where he has reasonable grounds to suspect that an offence has been or is likely to be committed under the provisions of this Law or any Regulation made thereunder, without warrant;

(a) Enter any premises during the hours of daylight or board any vessel and search such premises or vessel and examine any catch, equipment, instrument or other device or material which may be used for taking fish and measure any fishing net therein;

(b) Seize and detain, pending a decision thereon, any vessel, catch, equipment, instrument or other device or material which may be used for taking fish in contravention of this Law or any Regulations made thereunder;

Provided that the catch may be sold and the proceeds thereof be detained pending the decision.

8. *Forfeiture and cancellation of licence*

In addition to or in substitution for any punishment for any contravention of this Law or any Regulations made thereunder, upon conviction of the offender:

(a) Any vessel, equipment, instrument or any other device or material, which in the opinion of the Court was used or was intended to be used by him for taking, stupefying, killing or poisoning fish, shall, when the person concerned has been convicted of an offence against section 5 of this Law, and may in any other case be adjudged by the Court to be forfeited;

(b) Any fish in his possession seized under the provisions of this Law, which in the opinion of the Court was taken, stupefied, killed or poisoned, or the proceeds of the sale thereof, shall be adjudged by the Court to be forfeited;

(c) Any licence issued to him under the provisions of this Law may be cancelled by the issuing authority.

5. COSTA RICA

INFORMATION CONCERNING DECREES NO. 116 OF 27 JUNE 1948 AND NO. 803 OF 2 NOVEMBER 1949 RELATING TO SPECIAL FISHING ZONES¹

“With regard to special areas reserved exclusively for fishing, reference may be made to Decree No. 116 of 27 June 1948 and Decree No. 803 of 2 November 1949, which proclaim the rights and interests of Costa Rica in the

¹ Provided by the Permanent Mission of Costa Rica to the United Nations in a note verbale of 29 July 1971. Translation by the Secretariat of the United Nations.

conservation and utilization of the resources and wealth of the adjacent seas, both continental and insular, to a distance of 200 miles from its coasts.

“In issuing these Legislative Decrees, Costa Rica was not seeking to proclaim its sovereignty or to exercise exclusive rights to the utilization of marine resources over a broader expanse than is recognized by international law. It simply proclaims its interest in the conservation of the resources of the sea adjacent to its continental and insular coasts and its right to exercise vigilance in order to prevent an inadequate and non-rational exploitation of such resources—a vigilance which is exercised in the interests of other States too.”

6. DENMARK

(a) LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT NO. 12 OF 10 MARCH 1964 CONCERNING FISHING IN THE FISHERY ZONE, AS AMENDED UP TO 1971¹

...
Article 3. It shall be unlawful for any person to carry on fishing in the fishery zone with trawls, otter trawls or Danish seines. The aforementioned methods of fishing shall, however, be permitted in the case of lobster and shellfish fishing and for research purposes on condition that the authorization of the National Executive is obtained beforehand. Such authorization shall in all cases be subject to a time-limit.

During the period 15 February to 30 April inclusive, fishing with nets shall not be permitted in the following areas:

...
 The National Executive is otherwise authorized to issue regulations, by means of a notice, concerning such aspects of net fishing as the number of nets to be used by each ship, the manner in which floats are to be fastened to the nets and the manner of marking fishing tackle.

...
Article 5. 1. An offence against the provisions of article 2, in so far as unlawful fishing is concerned, or the provisions of article 3 shall be punishable by a fine of 5,000 kroner or more or, if a trawl is used, a fine of 30,000 kroner or more, and, in addition, all fishing gear, including hatches, hawsers, lines, stanchions, and so on, and the catch shall be confiscated. The ship may be seized as security for fines and costs.

2. An offence against the provisions of article 2, in so far as the carrying out of actions connected with fishing is concerned, or the provisions of article 4, shall be punishable by a fine of 10,000 kroner or more, and, in addition, the ship, catch and gear may be seized as security for fines and costs.

...
¹ The 1964 Act is reproduced in ST/LEG/SER.B/15, pp. 622-623. The amendments were made by the Legislative Assembly (Faroe Islands) Acts of 20 February 1970 and of 10 June 1971. Only the amended sections are reproduced here. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971. Translation by the Secretariat of the United Nations.

(b) LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT NO. 37 OF 22 JUNE 1972
CONCERNING THE REGULATION OF HERRING FISHERIES IN THE
FISHERY ZONE¹

...

Article 2. (1) It shall be unlawful to fish for, sell or purchase herring measuring less than 22 cm in total length.

...

Article 3. Any offence against this Act shall be punishable by a fine.

...

(c) EXECUTIVE ORDER NO. 529 OF 3 DECEMBER 1969 ON THE ACCESS OF
FOREIGN VESSELS TO FISHERY, ETC., IN GREENLAND WATERS²

The following provisions are laid down pursuant to section 1, subsection 4, of Act No. 223 of June 3, 1967, relating to Economic Activity in Greenland.

Section 1. (1) The areas within which the right to carry on whaling, sealing, fishing and hunting for commercial purposes is reserved exclusively for Danish nationals shall be bounded outwardly by lines drawn in such a manner that the distance from any one point on these lines to the nearest point of the inner boundary line defined in Decree of May 27, 1963, on the Delimitation of the Territorial Waters around Greenland shall be twelve nautical miles.

(2) The exclusive right referred to in subsection (1) above shall extend also to processing, transshipment and transportation of fish and fish products within the area referred to in subsection (1).

(3) Operators of vessels domiciled and registered in France, the Federal Republic of Germany, Iceland, Norway, Portugal, Spain and the United Kingdom of Great Britain and Northern Ireland shall be allowed, however, for the period until May 31, 1973, to carry on whaling, sealing, fishing, or hunting and to process, tranship and transport fish and fish products in the area between the outer boundary line and a line running at a distance of six nautical miles from the inner boundary line and, provisionally for the period until October 31, 1970, to fish with long line and hand line from open boats of mother ships and, in connection therewith, to process, tranship and transport fish and fish products up to a line running at a distance of three nautical miles from the inner boundary line.

Section 2. (1) Section 5 of the Act relating to Economic Activity in Greenland provides that whenever a vessel equipped for whaling, sealing, fishing and hunting enters areas in which it is not authorized to carry on whaling,

¹ Entered into force on 22 June 1972. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971. Translation by the Secretariat of the United Nations.

² Issued by the Ministry for Greenland on 3 December 1969. Entered into force on 1 January 1970, superseding Notice No. 193 of 27 May 1963 as amended by Notice No. 227 of 3 July 1964, reproduced in ST/LEG/SER.B/15, pp. 621-622. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971.

sealing, fishing and hunting, all its whaling, sealing, fishing and hunting implements shall be stowed away inboard, and its boats shall be in their usual places onboard the vessel.

(d) NOTICE NO. 530 OF 3 DECEMBER 1969 BY THE MINISTRY FOR GREENLAND CONCERNING COMMERCIAL TRAPPING, FISHING AND HUNTING IN GREENLAND¹

Pursuant to article 1, 2, 3 and 12 of Act No. 223² dated 3 June 1967 concerning commercial trapping, fishing and hunting in Greenland, it is hereby provided as follows:

Article 1. The Act concerning commercial trapping, fishing and hunting in Greenland shall enter into force on 1 January 1970.

Article 2. 1. Commercial trapping, fishing and hunting in the sea of Greenland within a distance of 12 nautical miles from the boundary lines established in article 2 of Order No. 191 of 27 May 1963³ concerning the delimitation of the territorial sea of Greenland may be carried on only by:

- (1) Danish nationals;
- (2) Persons who are resident in Denmark and have been continuously resident there for the past two years;
- (3) Institutions and associations the management of which consists exclusively of Danish nationals who are resident in Denmark;
- (4) Jointly-owned shipping companies at least two thirds of which are owned by Danish nationals and the managing owner of which is a Danish national and is resident in Denmark.
- (5) Joint-stock companies and other companies with limited liability which have elected a board of directors, if at least two thirds of the board consists of Danish nationals who are resident in Denmark;
- (6) Other companies in which at least two thirds of the partners are Danish nationals who are resident in Denmark.

Where institutions, associations or companies are partners in a jointly-owned shipping company or in a company as referred to in item (6), each partner must meet the same conditions as would have to be met in order to carry on an economic activity independently.

2. The Minister may, in very special circumstances, depart from the provisions of paragraph 1 when it is deemed important for the development of fisheries.

Article 3. 1. Commercial fishing in the waters referred to in the annex⁴ to this Notice, lying within the outermost islands, islets and skerries, may

¹ Entered into force on 1 January 1970. At the same time, Notice No. 192 of 27 May 1963 (see ST/LEG/SER.B/15, pp. 619-621) concerning commercial trapping, fishing and hunting in Greenland and Notice No. 295 of 14 October 1959 (*ibid.*, p. 618) concerning trapping, fishing and hunting in the district of Angmagssalik ceased to have effect. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971. Translation by the Secretariat of the United Nations.

² Reproduced in part in ST/LEG/SER.B/15, pp. 627-629.

³ Reproduced in ST/LEG/SER.B/15, pp. 63-71.

⁴ The annex is not reproduced here.

be carried on only by the persons and enterprises referred to in article 2 and resident in Greenland.

2. The competent communal authority may, however, permit persons and enterprises, as specified in article 2 and not resident in Greenland and others that have obtained special permission from the Minister for Greenland to fish in Greenland territorial waters, under article 1, paragraph 6, of the Act concerning fishing, trapping and hunting in Greenland, to fish in the waters specified in the aforesaid annex.

Article 4. Commercial fishing involving the use of fixed fishing tackle attached to land and commercial trapping of marine mammals and hunting of birds within a distance of three nautical miles from the boundary lines established in article 2 of the Royal Order No. 191 of 27 May 1963 may be carried on only by the persons and enterprises referred to in article 2 and resident in Greenland and to others having obtained special permission for the purpose.

Article 5. Commercial salmon fishing in fjords and inner Greenland waters lying within the outermost islands, islets and skerries may be carried on only by the persons and enterprises referred to in article 2 and resident in Greenland and others having obtained special permission for the purpose.

Article 6. The Governor of Greenland may, in special cases, grant permission for Danish nationals staying in Greenland but not resident there to engage in commercial trapping and hunting in the land domain of Greenland.

Article 7. The Governor of Greenland may, in special cases, grant permission to persons other than those specified in article 1, paragraph 1, of the Act concerning commercial trapping, fishing and hunting in Greenland, to process or trans-ship fish in the area specified in article 1, paragraph 1 of the Act to transport fish or fish products through that area direct from the sea to landing places in Greenland.

Article 8. Any offence against the provisions of this Notice or violation of the conditions pertaining to permission granted in connexion therewith shall be punishable by a fine, and cases involving such offences shall otherwise be dealt with in accordance with the regulations laid down in Act No. 223 of 3 June 1967 concerning commercial trapping, fishing and hunting in Greenland.

...

7. FIJI

FISHERIES ORDINANCE OF 1941, AS AMENDED UP TO 1966¹

...

2. Interpretation

In this Ordinance, unless the context otherwise requires

...

¹ No. 4 of 1941 as amended—most recently by Ordinance No. 37 of 1966. Text provided by the Permanent Representative of Fiji to the United Nations in a note verbale of 23 September 1971.

“Territorial waters” means that part of the sea adjacent to the coast of any island in Fiji which is within three geographical miles measured from low-water mark of the seaward side of the reef fronting such coast, or when a reef is not present, from the low-water mark of the coast itself;

...

4. *Licence to take fish*

(1) A licensing officer may in his discretion grant licences to take fish in the territorial or inland waters of Fiji.

(2) Every licence granted under this Ordinance shall terminate on the thirty-first day of December next after the day of issue. It shall be personal to the holder, shall not be transferable and shall be subject to such conditions as the licensing officer shall think fit to endorse thereon in accordance with this Ordinance or any regulations made thereunder.

(3) No person shall take fish in the territorial or inland waters of Fiji by way of trade or business or as an employee of a person carrying on the trade or business of a fisherman unless such person is authorised by a licence to take fish: provided that:

(a) A person who takes fish with a line from the shore or with a spear shall not be required to obtain such a licence;

(b) The Governor in Council may by regulation exempt any person from the necessity of possessing such a licence.

(4) No licence to take fish in the territorial or inland waters of Fiji shall be granted to any person owning, operating or manning any fishing vessel registered elsewhere than in Her Majesty's dominions, without the prior approval of the Governor.

5. *Registration of fishing vessels*

(1) Every licensed fisherman owning or operating any fishing vessel shall register every such vessel with a licensing officer, and shall renew the registration annually in the prescribed manner.

...

6. *Power of examination and detention*

(1) Any licensing officer, police officer, customs officer, honorary fish warden and any other officer empowered in that behalf by the Governor, may, for the purpose of enforcing the provisions of this Ordinance:

(a) Require any person engaged in fishing to exhibit his licence, apparatus and catch;

(b) Go on board any vessel reasonably believed to be engaged in fishing and search and examine any fishing apparatus therein;

(c) Where there is reasonable suspicion that any offence has been committed, take the alleged offender, the vessel, apparatus and catch, without summons, warrant or other process, to the nearest or most convenient police station or port. The vessel and apparatus may be detained pending trial of the offender and the catch may be sold and the proceeds of the sale detained pending such trial; and thereafter any vessel, apparatus or money so detained

shall, unless forfeited under the provisions of subsection (7) of section 9 of this Ordinance, be returned to the person from whom the same was taken.

(2) Any person who refuses to permit any officer or person mentioned in the last preceding subsection to board a vessel or obstructs or hinders him in the course of boarding a vessel or in the course of otherwise executing his duties shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

...

9. *Offences*

(1) Any person who, being required to be the holder of a licence, takes or attempts to take fish in the territorial or inland waters of Fiji or is in possession of fishing apparatus in such circumstances as to satisfy the court before which he is tried that he intended to use the apparatus for the purpose of taking or destroying fish without being licensed under this Ordinance shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties.

(2) Any person who

(a) Being the holder of a licence under this Ordinance, fails to comply with any of the conditions of his licence; or

(b) Commits any offence against this Ordinance for which no special penalty is provided; or

(c) Contravenes or fails to comply with the provisions of any regulation made hereunder,

shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties.

(3) The master and the owner of any fishing vessel registered elsewhere than in Her Majesty's dominions using such vessel for the purpose of taking fish within the territorial or inland waters of Fiji, without the prior approval of the Governor, shall be liable to imprisonment for six months or to a fine of five hundred pounds or to both such penalties.

(4) Any person who takes or destroys or attempts to take or destroy any fish by the use of dynamite, gelignite or other explosive substance, or who, being the holder of a licence under this Ordinance, is found in possession of dynamite, gelignite or other explosive in such circumstances as to satisfy the court before which he is tried that he intended to use the substance for the purpose of taking or destroying fish, or any person possessing, transporting or selling or exposing for sale or hawking fish which has been taken by the use of one of the aforesaid explosives, shall be liable for a first offence to imprisonment for six months or to a fine of fifty pounds or to both such penalties; for a second offence to imprisonment for nine months or a fine of seventy-five pounds or to both such penalties, and if he is the holder of a licence to take fish it shall be cancelled and may not be renewed for a period of three years from the date of the second conviction; for a third and any subsequent offence to imprisonment for twelve months or a fine of one hundred pounds or to both such penalties, and if he is the holder of a licence to take fish it shall be cancelled and may not be renewed for a period of six years from the date of such conviction.

In all cases where dynamited fish is seized, it shall be confiscated and destroyed.

...

8. FRANCE

- (a) DÉCRET N° 70-21 DU 8 JANVIER 1970 RELATIF À L'EXTENSION À LA POLYNÉSIE FRANÇAISE DU DÉCRET N° 67-451 DU 7 JUIN 1967 PORTANT EXTENSION DE LA ZONE DE PÊCHE INTERDITE AUX NAVIRES ÉTRANGERS¹

Article premier. Les dispositions du décret n° 67-451 du 7 juin 1967² portant extension de la zone de pêche interdite aux navires étrangers entreront en vigueur en Polynésie française le 1^{er} janvier 1970.

...

- (b) DÉCRET N° 70-1183 DU 11 DÉCEMBRE 1970 RELATIF À L'EXTENSION AU DÉPARTEMENT DE LA GUYANE FRANÇAISE DU DÉCRET N° 67-451 DU 7 JUIN 1967 PORTANT EXTENSION DE LA ZONE DE PÊCHE INTERDITE AUX NAVIRES ÉTRANGERS³

Article premier. Les dispositions du décret n° 67-451 du 7 juin 1967² portant extension de la zone de pêche interdite aux navires étrangers entreront en vigueur dans le Département de la Guyane française le 1^{er} janvier 1971.

...

9. ICELAND

REGULATIONS OF 14 JULY 1972 CONCERNING THE FISHERY LIMITS OFF ICELAND⁴

Article 1. The fishery limits off Iceland shall be drawn 50 nautical miles outside base-lines drawn between the following points:

1. Horn	66°27'4 N 22°24'3 W
2. Ásbúoarrif	66°08'1 N 20°11'0 W
3. Rauoinúpur	66°30'7 N 16°32'4 W
4. Rifstangi	66°32'3 N 16°11'8 W
5. Hraunhafnartangi	66°32'2 N 16°01'5 W
6. Langanes	66°22'7 N 14°31'9 W
7. Glettinganes	65°30'5 N 13°36'3 W
8. Norofjaroarhorn	65°10'0 N 13°30'8 W

¹ *Journal officiel*, 10 janvier 1970, p. 406.

² *Ibid.*, 9 juin 1967, p. 5758. Reproduit dans ST/LEG/SER.B/15, p. 636.

³ *Journal officiel*, 19 décembre 1970, p. 11658.

⁴ Entered into force on 1 September 1972. At the same time, the Regulations of 11 March 1961 concerning the same subject ceased to have effect. Text provided by the Chargé d'Affaires of the Permanent Mission of Iceland to the United Nations in his letter of 20 July 1972.

9.	Gerpir	65°04'7 N	13°29'6 W
10.	Hólmur	64°58'9 N	13°30'6 W
11.	Hvítingar	64°23'9 N	14°28'0 W
12.	Stokksnes	64°14'1 N	14°58'4 W
13.	Hrollaugseyjar	64°01'7 N	15°58'7 W
14.	Tvisker	63°55'7 N	16°11'3 W
15.	Ingólfshöfoi	63°47'8 N	16°38'5 W
16.	Hvalsíki	63°44'1 N	17°33'5 W
17.	Meoallandssandur I	63°32'4 N	17°55'6 W
18.	Meoallandssandur II	63°30'6 N	17°59'9 W
19.	Mýrmatangi	63°27'4 N	18°11'8 W
20.	Kötlutangi	63°23'4 N	18°42'8 W
21.	Lundadrangur	63°23'5 N	19°07'5 W
22.	Geirfluglasker	63°19'0 N	20°29'9 W
23.	Eldeyjardrangur	63°43'8 N	22°59'4 W
24.	Geirflugladrangur	63°40'7 N	23°17'1 W
25.	Skálasnagi	64°51'3 N	24°02'5 W
26.	Bjargtangar	65°30'2 N	24°32'1 W
27.	Kópanes	65°48'4 N	24°06'0 W
28.	Baroi	66°03'7 N	23°47'4 W
29.	Straumnes	66°25'7 N	23°08'4 W
30.	Kögur	66°28'3 N	22°55'5 W
31.	Horn	66°27'9 N	22°28'2 W

Limits shall also be drawn around the following points 50 nautical miles seaward:

32.	Kolbeinsey	67°08'8 N	18°40'6 W
33.	Hvalbakur	64°35'8 N	13°16'6 W

Each nautical mile shall be equal to 1,852 metres.

Article 2. Within the fishery limits all fishing activities by foreign vessels shall be prohibited in accordance with the provisions of Law No. 33 of 19 June 1922, concerning Fishing inside the Fishery Limits.¹

Article 3. Icelandic vessels using bottom trawl, mid-water trawl or Danish seine-netting are prohibited from fishing inside the fishery limits in the following areas and periods:

1. Off the North-East Coast during the period 1 April to 1 June in an area which in the west is demarcated by a line drawn true North from Rifstangi (Base-point 4) and in the east by a line which is drawn true North-East from Langanes (Base-point 6).

2. Off the South-Coast during the period 20 March to 20 April in an area demarcated by lines drawn between the following points:

- (a) 63°32'0 N 21°25'0 W
- (b) 63°00'0 N 21°25'0 W
- (c) 63°00'0 N 22°00'0 W
- (d) 63°32'0 N 22°00'0 W

With these exceptions Icelandic vessels using bottom trawl, mid-water trawl or Danish seine-netting shall be allowed to fish within the fishery limits

¹ Reproduced in part in ST/LEG/SER.B/6, pp. 510-512.

in accordance with the provisions of Law No. 62 of 18 May 1967, concerning Prohibition of Fishing with Trawl and Mid-water Trawl, cfr. Law No. 21 of 10 May 1969, or special provisions made before these regulations become effective.

Article 4. Trawlers shall have all their fishing gear properly stowed aboard while staying in areas where fishing is prohibited.

Article 5. Fisheries statistics shall be forwarded to the Fiskifélag Islands (Fisheries Association of Iceland) in the manner prescribed by Law No. 55 of 27 June 1941, concerning Catch and Fisheries Reports.

If the Ministry of Fisheries envisages the possibility of overfishing, the Ministry may limit the number of fishing vessels and the maximum catch of each vessel.

Article 6. Violation of the provisions of these Regulations shall be subject to the penalties provided for by Law No. 62 of 18 May 1967, concerning Prohibition of Fishing with Trawl and Mid-water Trawl, as amended, Law No. 40 of 9 June 1960, concerning Limited Permissions for Trawling within the Fishery Limits off Iceland under Scientific Supervision, Law No. 33 of 19 June 1922 concerning Fishing inside the Fishery Limits, as amended, or if the provisions of said Laws do not apply, to fines from kr. 1000.00 to kr. 100 000.00.

Article 7. These Regulations are promulgated in accordance with Law No. 44 of 5 April 1948,¹ concerning the Scientific Conservation of the Continental Shelf Fisheries, cfr. Law No. 81 of 8 December 1952. When these Regulations become effective, Regulations No. 3 of 11 March 1961, concerning the Fishery Limits off Iceland shall cease to be effective.

10. INDIA

PRESIDENTIAL PROCLAMATION OF 29 NOVEMBER 1956 ON CONSERVATION ZONES²

Whereas the coastal communities of India have from time immemorial been engaged in fishing activities in the high seas adjacent to its territorial waters;

And whereas certain areas of these high seas provide fisheries which contribute to the food and means of livelihood of large sections of the population and, consequently, India has a special interest in maintaining the productivity of the living resources in all such areas;

Now, therefore, I, Rajendra Prasad, President of India, do hereby proclaim and declare in the seventh year of the Republic as follows:

The Government of India may from time to time:

- (i) Establish, in accordance with laws enacted for the purpose, conservation zones in areas of the high seas adjacent to the territorial waters

¹ Reproduced in part *ibid.*, pp. 513-514.

² *The Gazette of India*, Extraordinary, Part II, Section 3, No. 361; 29 November 1956.

of India, but within a distance of one hundred nautical miles from the outer limits of those waters;

- (ii) Take conservation measures in the zones so established in order to protect fisheries and other living resources of the sea from indiscriminate exploitation, depletion or destruction; and
- (iii) Subject to the provisions of any international agreement or convention to which India is, or may hereafter become, a party, regulate all fishing activities in the said areas of the high seas in order to enforce the laws and regulations that may be issued from time to time for the purposes aforesaid.

11. JAMAICA

Territorial Sea Act, 1971, article 6 (c)¹

12. JAPAN

LAW NO. 60 OF 14 JULY 1967 FOR THE REGULATION OF FISHING OPERATIONS BY FOREIGN NATIONALS²

Article 1. Objective of this Law

1. The objective of this Law is to establish fundamental regulations for the use of ports and other water areas of our country by foreign nationals so that the maintenance of the normal order of our fishing industry may not be hindered by increased fishing operations conducted by them using such water areas.

...

Article 2. Definitions

1. "This country" as used in this Law shall consist of Honshu, Hokkaido, Shikoku, Kyushu and the islands attached thereto as specified in Ministerial Ordinance of Agriculture and Forestry.

...

4. "Foreign fishing boats" as used in this Law shall be those boats other than Japanese (excluding those designated by the Minister of Agriculture and Forestry) which come under any one of the following items:

(1) Boats fitted with fishing equipments;

(2) In addition to the boats mentioned in the preceding item, those used for fishing operations or for carrying back fish catches and others from fishing grounds.

...

Article 3. Prohibition of fishing operations

1. The persons mentioned in the following items shall not conduct fishing operations in the waters of this country:

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter I, 10.

² Entered into force on 12 October 1967. English text provided by the Permanent Representative of Japan to the United Nations in a note verbale of 11 February 1972.

(1) Any person who is not of Japanese nationality; provided that this shall not apply to a person who lawfully resides in this country and has been designated by the Minister of Agriculture and Forestry.

(2) Any juridical person or other corporation established under the provisions of laws of a foreign country which has its head office or principal office in a foreign country; provided that this shall not apply to persons or corporations designated by the Minister of Agriculture and Forestry.

Article 4. Permission for call at port

1. In case any captain of a foreign fishing boat (including any person who conducts the duties of captain as a substitute; the same shall apply hereinafter) wants to put his boat into any port of this country, he shall obtain the permission of the Minister of Agriculture and Forestry as provided for by Ministerial Ordinance of Agriculture and Forestry except when such call at port is made only for the purpose of performing acts as specified in the following items:

(1) Any act needed for averting disaster at sea or for maintaining the safety of navigation or human life;

(2) Landing in this country of fish catches and others which have been shipped off from foreign countries (only those accompanied by the instruments as prescribed by Cabinet Order; hereinafter referred to as "fish catches and others shipped off from foreign countries") or transshipment of them to other ships;

(3) Landing in this country of fish catches and others other than the fish catches and others shipped off from foreign countries which is provided for in Cabinet Order as an act not impeding the maintenance of normal order of Japanese fishing industry.

2. In case any application for the permission mentioned in the preceding paragraph has been filed, the Minister of Agriculture and Forestry shall grant it only when such call at port is judged not to aggravate the fishing operation of foreign fishing boat and not to impede the normal order of the Japanese fishing industry.

Article 5. Order for leaving port

In case the Minister of Agriculture and Forestry has confirmed that the captain of a foreign fishing boat is putting his boat into any port of this country in violation of the provisions of paragraph 1 of the preceding article, he may order the captain to leave the port with his boat.

Article 6. Prohibition of Transshipment, etc. of fish catches and others

In the waters of this country (excluding the waters of harbour of this country; same shall apply in the next paragraph), captains of foreign fishing boats shall not tranship any fish catches and others (excluding those shipped off from foreign countries; the same shall apply in the next paragraph and paragraph 3) from their boats to other boats nor take them in their boats from other foreign fishing boats.

2. In the waters of this country captains of boats other than foreign fishing boats shall not take any fish catches and others in their boats from foreign fishing boats.

3. Captains of boats other than foreign fishing boats shall not land any fish catches and others transhipped from foreign fishing boats in the waters other than those of this country at any port of this country or tranship them to other ships from their boats.

4. The provisions of the preceding three paragraphs shall not apply to the cases which are determined by Cabinet Order as not impeding the maintenance of normal order of our fishing industry.

...

Article 8. Validity of Treaty

In case there is any special stipulation in treaties relating to the matters regulated by this Law, the provisions of such treaties shall prevail.

Article 9. Penal provisions

1. The persons who come under any of the following items shall be subject to an imprisonment with hard labour for a period not exceeding three years or a fine not exceeding two hundred thousand yen, or both:

- (1) Any person who has acted in violation of the provisions of article 3;
- (2) Any captain who has brought a foreign fishing boat in a port without obtaining the permission mentioned in article 4, paragraph 1;
- (3) Any captain who has acted in violation of the order under the provisions of article 5;
- (4) Any captain who has acted in violation of the provisions from paragraph 1 to paragraph 3 of article 6.

2. In the case of the preceding article, any fish catch and others, vessel, fishing gear and other things to be used for fishing owned or possessed by the offender may be confiscated. However, in cases where the confiscation of the whole or part of the above-mentioned articles owned by the offender is impracticable, a penalty equal to the value thereof may be imposed upon him.

Article 10.

In case any representative of a juridical person, any agent, employee or other worker of a juridical person or individual has, relevant to the business affairs or properties of that juridical person or individual, effected a violation mentioned in paragraph 1 of the preceding article, not only shall such offender be punished but that juridical person or individual shall also be fined in accordance with the provisions of the same paragraph.

13. KHMER REPUBLIC

KRÂM (LOI) N° 453/71-CE DU 22 JANVIER 1971 PORTANT AUTORISATION DE CHALUTAGE DANS LES EAUX MARITIMES ET FIXATION DES TAXES SUR LES CHALUTIERS¹

Article premier. La pêche au chalut appelée "Uon Aus" ou "Uon Lak" peut être pratiquée dans les eaux maritimes de la République khmère.

¹ Texte transmis par le représentant permanent de la République khmère auprès de l'Organisation des Nations Unies par note en date du 1^{er} décembre 1971.

Article 2. L'autorisation de chalutage sera accordée par le Ministre de l'agriculture sur proposition du Directeur du Service des pêches.

Les caractéristiques des "Uon Aus" ou "Uon Lak" et le nombre de chaluts, la zone de pêche, la profondeur minimum autorisée pour le chalutage ainsi que les modalités de délivrance de l'autorisation seront fixés par Prakas du Ministre de l'agriculture.

Article 3. Les taxes sur les chalutiers servant à la pêche maritime seront fixées par Prakas conjoint des Ministres de l'agriculture et des finances.

Article 4. Toute infraction aux dispositions des articles 2 et 3 de la présente loi sera punie d'une amende de KR 1 201 à KR 4 000 par infraction.

Tout chalut dont les mailles sont inférieures aux normes autorisées sera considéré comme engin prohibé et saisi.

En cas de récidive, une peine d'emprisonnement d'un mois à un an pourrait être prononcée.

...

14. MADAGASCAR

(a) DÉCRET N° 70.028 DU 10 JANVIER 1970 FIXANT LES LIMITES DES "EAUX INTÉRIEURES MARITIMES"¹

Article premier. La partie de la mer et du littoral soumise à la juridiction de l'Etat malagasy en matière de pêche et de navigation maritime est comprise entre les limites suivantes :

— Du côté du large, la ligne marquant la limite de la mer territoriale telle qu'elle est définie par le décret 63-131 du 27 février 1963²;

— Du côté de la terre, la ligne littorale.

Article 2. Au sens du présent décret, la ligne littorale est constituée par les points extrêmes atteints par les plus hautes marées périodiques et régulières :

(a) Le long de la côte, dans les rades, les baies et les ports;

(b) Ainsi que dans les chenaux, étiers, salines et étangs salés en communication directe avec la mer.

Article 3. A l'entrée des fleuves et des rivières, la limite de la mer est constituée par la ligne fictive qui prolonge la ligne littorale de part et d'autre de l'embouchure, sauf dans ceux désignés à l'article ci-après.

Article 4. La limite de la mer est reportée en amont, au premier obstacle permanent naturel ou artificiel qui s'oppose au passage des navires de mer, dans certains estuaires, fleuves et rivières fréquentés par ceux-ci.

...

¹ Texte transmis par le représentant permanent de la République malgache auprès de l'Organisation des Nations Unies par note en date du 15 décembre 1971. Ce décret abroge les dispositions du décret du 5 juin 1922 relatives à la pêche maritime côtière et contrairement aux présentes dispositions.

² Reproduit dans ST/LEG/SER.B/15, p. 98 à 100.

(b) DÉCRET N° 71-238 DU 18 MAI 1971 RÉGLEMENTANT L'EXERCICE
DE LA PÊCHE PAR CHALUTAGE, DANS LA MER TERRITORIALE¹

Article premier. Dans le but d'assurer un développement rationnel des pêches maritimes dans les eaux territoriales malgaches, la pratique du chalutage est subordonnée à la possession selon le cas :

— D'une licence portant autorisation de pratiquer le chalutage au moyen de bateaux dont la force motrice est supérieure à 25 CV;

— D'une licence portant autorisation de pratiquer le chalutage au moyen de bateaux dont la force motrice est inférieure ou égale à 25 CV.

Article 2. Les licences relatives aux chalutiers dont la force motrice est supérieure à 25 CV sont délivrées conjointement par le Ministre chargé de l'élevage et de la pêche maritime et le Ministre des travaux publics, sur avis de la commission définie à l'article 4 ci-dessous, chargée d'étudier les dossiers de demandes recevables à adresser au Ministère chargé de l'élevage et de la pêche maritime au plus tard six mois avant l'expiration de la période biennale en cours, c'est-à-dire pour le 1^{er} juillet de chaque année paire.

Les licences relatives aux chalutiers dont la force motrice est inférieure à 25 CV sont délivrées par le Ministère chargé de l'élevage et de la pêche maritime sur simple demande recevable en tout temps, mais visée au préalable par les services de la marine marchande et de la pêche maritime, dans la limite du quota biennal par la commission.

...

15. MALDIVES

ACT NO. 5/69 JAVIYANI OF 1969, AS AMENDED BY ACT NO. 52/70 JAVIYANI
OF 30 DECEMBER 1970²

...

The Fishing Territory of the Republic of Maldives lies between latitude 7° 42' North and latitude 2° 22 1/4' South and longitude 70° 53 1/2' East and longitude 75° 25' East, leaving the North-East corner formed by a diagonal line intersecting at latitude 7° 42' North and longitude 75° 01' East and longitude 75° 25' East and latitude 7° 12' North.

...

16. MALTA

TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT, 1971, section 3³

¹ *Journal officiel*, 5 juin 1971, p. 1180.

² Text transmitted by the Minister of External Affairs of Maldives, without quoting the article number, in his letter of 29 May 1972.

³ *Supra* DIVISION I, SUBDIVISION A, Chapter I, 15.

17. NEW ZEALAND

(a) FISHERIES ACT 1908, AS AMENDED UP TO 1970¹

. . .

9.² *Officers may enter boats, examine licence, and inspect nets, etc.*

(1) Any fishery officer is hereby empowered, for the enforcement of the provisions of this Act, to exercise the powers and authorities of a constable, and may at all times and seasons, without let or hindrance

(a) Enter any boat engaged in fishing, or which he suspects to be so engaged; and

(b) Require the master or person in charge of such a boat to produce the licence for the boat if a fishing-boat, and take copies thereof or of any part thereof; and

(c) Require the master to give any explanation concerning his boat and her crew, and any person on board his boat, and the said licence; and

(d) Examine all standing, floating, or other nets, and all dredges, engines, and instruments, and seize all nets, dredges, engines, instruments, and devices that are illegal or are being used illegally; and

(dd) Enter upon (by foot or by means of a boat, vehicle, or other form of transport) and pass along the land abutting any part of the sea, or abutting any tidal waters, estuary, or navigable river, or any lake to which the sea is able to gain access (whether continuously or otherwise), whether or not the land is owned or occupied by any private person or any public body: provided that nothing in this paragraph shall be construed to empower any fishery officer to enter the enclosed garden or curtilage of any dwellinghouse without the consent of its occupier; and

(e) Do all such other acts and things as he is required or authorized to do by regulations under this Act.

(2) The production of his instrument of appointment, or of a copy of the *Gazette* notifying such appointment, shall be sufficient warrant for any officer so acting in any of the cases aforesaid.

. . .

50.³ *Using explosives, etc., in fisheries*

(1) Every person commits an offence, and is liable to imprisonment for a term not exceeding two months or to a fine not exceeding five hundred dollars, or to both, who uses for the purpose of catching or destroying fish in New Zealand fisheries waters any explosive or any toxic gas or any toxic, poisonous, or narcotic substance.

¹ Text provided by the Minister of Foreign Affairs of New Zealand in note verbale of 8 November 1971. The 1908 Act (No. 65; 4 August 1908) as amended up to 1953 is reproduced in part in ST/LEG/SER.B/6, pp. 540-543. For its further amendments see ST/LEG/SER.B/15, pp. 649-651. Only the provisions amended thereafter are reproduced here.

² As amended by section 3 of the Fisheries Amendment Act 1968 (No. 27 of 1968; 25 November 1968).

³ As amended by section 8 of the Fisheries Amendment Act 1968 (No. 27 of 1968; 25 November 1968).

(2) Where any person is charged with having committed an offence against subsection (1) of this section, it shall be presumed that any explosive or any toxic gas or any toxic, poisonous, or narcotic substance used by the defendant was used by him for the purpose of catching or destroying fish, unless he satisfies the Court to the contrary.

(3) Every person commits an offence, and is liable to a fine not exceeding five hundred dollars, who has in his possession any fish caught by means of any explosive or any toxic gas or any toxic, poisonous, or narcotic substance: provided that (without limiting the effect of the proviso to subsection (2) of section 2 of this Act) in any proceedings for an offence against this subsection, it shall be a defence if the defendant satisfies the Court that he did not know, and could not with the exercise of reasonable care have known, that the fish to which the alleged offence relates were caught as aforesaid.

...

56.¹ *Officer may enter and search for fish or oysters illegally taken*

(1) Any fishery officer or any constable may at any time between sunrise and sunset, with or without warrant, enter any fish shop and premises attached thereto, or any fish shed or fish factory, or any premises, not being a dwelling-house, where fish or oysters are stored, treated, dressed, canned, or frozen, or any smokehouse, ship, boat, cart, carriage, or conveyance of any kind, or in or upon any public place as defined by the Police Offences Act 1927, and there search for, seize, and take away fish or oysters supposed to be illegally taken, and open and examine boxes, bags, baskets, and other receptacles in the course of such search.

(2) Every person commits an offence, and is liable to a fine not exceeding two hundred dollars, who wilfully prevents or hinders any lawful entry, search, seizure, or forfeiture authorised under this Part of this Act or any regulations made under this Part, or, being the driver of any conveyance or the rider or person in charge of any riding or pack animal, fails to stop that conveyance or animal on the request of any fishery officer.

(3) For the purposes of this section, the term "conveyance" includes any motor or horse driven vehicle, or any cycle, aircraft, or hovercraft.

...

60.² *Obstructing officers*

(1) Every person commits an offence, and is liable to a fine not exceeding two hundred dollars, who

(a) Assaults, resists, or obstructs any fishery officer in his execution of any of the powers or duties conferred on him by this Part of this Act, or by any regulations made under this Part, or any person lawfully acting under the officer's orders or in his aid; or

(b) Incites or encourages any other person to assault, resist, or obstruct any fishery officer, while in the execution of his powers or duties, or any person lawfully acting under the officer's orders or in his aid; or

¹ As amended by section 10 of the Fisheries Amendment Act 1968, quoted above.

² As amended by section 11 of the Fisheries Amendment Act 1968, quoted above.

(c) Uses threatening language or behaves in a threatening manner towards any fishery officer, while in the execution of his powers or duties, or any person lawfully acting under the officer's orders or in his aid; or

(d) Fails to comply with the lawful requirements of any fishery officer; or

(e) Furnishes under this Part of this Act, or under any regulations made under this Part, any particulars which, to his knowledge, are false or misleading in any material respect.

(2) For the purpose of subsection (1) of this section, any person who refuses to allow any fishery officer, or any person acting by his order or in his aid, to exercise any of the powers conferred on a fishery officer by this Part of this Act shall be deemed to be obstructing that officer or person.

(b) FISHERIES (GENERAL) REGULATIONS 1950, AS AMENDED IN 1968¹

...

7. These regulations shall, except as otherwise expressly provided, have force and effect throughout New Zealand and New Zealand fisheries waters; but nothing in this regulation shall affect the application of any restriction contained in any of the regulations following this regulation to particular parts of New Zealand or of New Zealand fisheries waters.

...

18. NIGERIA

SEA FISHERIES DECREE 1971²

1. *Licensing of motor fishing boats*

(1) Subject to the provisions of this section, no person shall operate or navigate any motor fishing boat within the territorial waters of Nigeria unless a licence in respect of that vessel has been issued to the owner thereof.

(2) Any person operating or navigating or causing to be operated or navigated a motor fishing boat in contravention of subsection (1) of this section shall be guilty of an offence under this Decree and on conviction shall be liable to imprisonment for one year, or to a fine of £500 for each day during which the offence continues, or to both such fine and imprisonment.

(3) The provisions of this section shall not apply to any motor fishing boat entering the territorial waters of Nigeria not for fishing or the disposal

¹ Text provided by the Minister of Foreign Affairs of New Zealand in a note verbale of 8 November 1971. Regulation 7 of the 1950 Regulations (S.R. 1950/147) is reproduced in ST/LEG/SER.B/6, pp. 542-543. The amendment was made by the Fisheries Regulations 1950, Amendment No. 10 (1968/104; 24 June 1968).

² Decree No. 30; 10 June 1971. Entered into force on 10 June 1971. Text provided by the Permanent Representative of Nigeria to the United Nations in a note verbale of 25 October 1972. By this Decree, the Sea Fisheries (Lagos) Act 1961, reproduced in part in ST/LEG/SER.B/15, pp. 656-657, is repealed.

of fish, but solely for re-fuelling at any port or for shelter, or solely because the motor fishing boat is in distress or there is any other emergency.

2. *Application for a licence*

(1) Any person, being the owner of a motor fishing boat, may apply to a licensing officer for a licence in respect of the motor fishing boat.

(2) An application for a licence shall be in such form and manner as may be prescribed and shall:

(a) Contain the particulars and descriptions of the motor fishing boat in respect of which the application is made; and

(b) A statement in detail as to

(i) The methods of taking fish that are to be employed,

(ii) The area within which it is proposed that the motor fishing boat shall operate, and

(iii) The arrangements that are to be made for the preservation and marketing of the catch in Nigeria.

3. *Grounds for issue of a licence, etc.*

(1) On being satisfied that

(a) An application for a licence has been made in the prescribed manner and contains all the information that is required under section 2 of this Decree;

(b) The prescribed fees have been paid;

(c) The applicant is the lawful owner of the motor fishing boat in respect of which the application is made, and that he is a fit and proper person to be granted a licence; and

(d) The operation of the motor fishing boat in the territorial waters of Nigeria is not likely to be prejudicial to the interests of sea fishing industry in Nigeria,

the licensing officer shall issue a licence in respect of the motor fishing boat.

(2) Subject to the provisions of this Decree, a licence shall be in the prescribed form and may be issued subject to such conditions as the licensing officer may think fit to impose, and any conditions so imposed shall be endorsed on the licence.

(3) A licence shall be a yearly licence or a quarterly licence, and—

(a) If the licence is a yearly licence, it shall expire on the 31st day of December in the year in which it is issued; and

(b) If the licence is a quarterly licence, it shall expire on the 31st day of March, the 30th day of June, the 30th day of September or the 31st day of December, whichever day falls next after the date of the issue of the licence.

(4) Where the ownership of a motor fishing boat in respect of which a licence has been issued is transferred from one person to another person, the licence shall not be valid in respect of the new owner of the vessel until such time as a licensing officer has approved the transfer of the ownership of the motor fishing boat and has endorsed the licence to that effect.

(5) A licensing officer may, without assigning any reason

(a) Cancel a licence, or

(b) Suspend a licence for such period as he thinks fit.

4. *Renewal of a licence*

The provisions of this Decree relating to application for a licence and the issue of a licence shall apply in relation to an application for the renewal of the licence and to such renewal.

5. *Appeals*

(1) Any person aggrieved by any refusal by a licensing officer to issue or renew a licence or by the cancellation or suspension of a licence or by any condition endorsed on a licence may, within fourteen days of receiving notice of the refusal, cancellation, suspension or endorsement, appeal to the Commissioner in respect thereof.

(2) After considering any appeal made under subsection (1) of this section the Commissioner shall take such decision thereon as he deems fit and the licensing officer shall give effect thereto, as may be necessary.

(3) The decision of the Commissioner on any appeal under this section shall be final.

6. *Returns*

The owner of a motor fishing boat in respect of which a licence has been issued shall

(a) Render to a licensing officer such periodical returns concerning the operation of the motor fishing boat as may be prescribed; and

(b) Permit a licensing officer or any person authorised in writing by a licensing officer to inspect the catch of the motor fishing boat either before or after the catch has been landed and shall give the licensing officer or that person all reasonable facilities for the inspection of the catch.

7. *Enforcement of the Decree*

(1) An authorised person may, within the territorial waters of Nigeria, for the purpose of enforcing any provision of this Decree

(a) Require the owner or the person in charge of a motor fishing boat in respect of which a licence has been issued, to exhibit his licence, fishing apparatus and catch;

(b) Require the owner or the person in charge of any other motor fishing boat or any person engaged in fishing to exhibit his fishing apparatus and catch;

(c) Go on board of any fishing boat and search and examine the fishing boat and any fishing apparatus that may be therein;

(d) Where there is reasonable suspicion that an offence under this Decree has been committed, take the alleged offender and the motor fishing boat, fishing apparatus and catch to the most convenient port or police station.

(2) The powers vested in an authorised person under subsection (1) of this section may be exercised by him without warrant, summons or other process.

(3) Any fishing boat or apparatus taken from an alleged offender under the provisions of paragraph (d) of subsection (1) above may be detained pending the trial of the alleged offender, and the catch may be sold and the proceeds of the sale detained pending such trial.

(4) Any vessel, apparatus or money detained under subsection (2) of this section shall, unless forfeited under the provisions of section 10 of this Decree, be returned to the person from whom the same was taken or to the lawful owner thereof.

(5) If a vessel, after detention under subsection (2) of this section, proceeds to sea before it is released by an authorised person or a court, the master of the vessel and also the owner and any person who sends the vessel to sea, if the owner or person is privy to the master's offence, shall be guilty of an offence under this Decree.

(6) In this section "an authorised person" means

(a) A licensing officer;

(b) Any commissioned officer in the Nigerian Army, Navy or Air Force;

(c) A police officer not below the rank of assistant superintendent of police;

(d) A customs officer not below the rank of assistant preventive superintendent;

(e) A surveyor or examiner appointed under the provisions of the Merchant Shipping Act 1962; and

(f) Any other person authorised in writing by the Commissioner in that behalf.

8. *Prohibited method of fishing*

No person may take or destroy or attempt to take or destroy any fish within the territorial waters of Nigeria by any of the following methods, that is,

(a) By the use of any explosive substance; or

(b) By the use of any noxious or poisonous matter.

9. *Offences*

(1) Any person who

(a) Contravenes or fails to comply with any of the provisions of this Decree;

(b) Contravenes or fails to comply with any requirement made under this Decree; or

(c) Contravenes or fails to comply with any condition endorsed on a licence,

shall be guilty of an offence under this Decree.

(2) Any person who is guilty of an offence under this Decree for which no other penalty is specifically provided shall on conviction be liable to a fine of £100 or to imprisonment for six months or to both such fine and imprisonment; and where the offence is a continuing offence the person shall be liable to a further sum of £50 for each and every day during which such failure continues, the liability to such further sum to commence from the day following the last conviction, or from such day thereafter as the court may order.

10. *Forfeiture, etc.*

A court before which any person is convicted of an offence under this Decree may

(a) Order the forfeiture to the Government of the Federation of any fishing boat, apparatus or catch employed in the commission of or derived from any act in respect of which that person is so convicted;

(b) Where the fishing boat employed in the commission of the offence is a motor boat in respect of which a licence had been issued, cancel the licence or suspend the licence for such time as the court may think fit.

11. *Regulations*

(1) The Commissioner may make regulations

(a) for furthering the interests of sea fishing industry in Nigeria, and

(b) for giving effect to the provisions of this Decree.

...

12. *Interpretation*

In this Decree, unless the context otherwise requires

“Commissioner” means Federal Commissioner charged with responsibility for fisheries;

“Fish” means any aquatic creature whether fish or not, and includes shell-fish, crustaceans, turtles and aquatic mammals;

...

“Motor fishing boat” means any fishing boat propelled by means of steam, internal combustion or other machinery except one or more portable outboard engines;

...

“Territorial waters of Nigeria” has the same meaning as in section 1 of the Territorial Waters Decree 1967.¹

...

19. OMAN

DECREE OF 17 JULY 1972 CONCERNING THE TERRITORIAL SEA, CONTINENTAL SHELF AND EXCLUSIVE FISHING ZONES OF THE SULTANATE OF OMAN, articles 5-8²

20. PERU

(a) GENERAL FISHING LAW OF 1971³

Whereas, firstly:

It is the policy of the Revolutionary Government of the Armed Forces to ensure the maximum development of the national fishing industry as rapidly

¹ 1967 No. 5. Reproduced in part in ST/LEG/SER.B/15, pp. 103-104, 250-251. For the Decree as amended in 1971, see *supra* DIVISION I, SUBDIVISION A, Chapter 1, 19(a).

² *Supra* DIVISION I, SUBDIVISION A, Chapter 1, 21.

³ Legislative Decree No. 18810 of March 1971. Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971), provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

as possible, in a manner compatible with the principle of the rational exploitation of the hydrobiological resources of the country's jurisdictional sea within a distance of 200 miles and of its continental waters, with a view to raising the nutritional status and level of living of the Peruvian people and guaranteeing jurisdiction over the Peruvian sea.

...

Whereas, fourthly:

The Government wishes to develop interest in maritime and fishing matters through a joint effort by all components of the fishing industry, with a view to exploiting the hydrobiological wealth of Peru's jurisdictional sea within a distance of 200 miles and of other seas, taking the form of a "march to the west".

Article 1. The hydrobiological species contained in the jurisdictional sea within a distance of 200 miles and in the continental waters of the national territory shall be the property of the State.

...

(b) REGULATIONS OF THE GENERAL FISHING LAW, 1971¹

...

Article 27. Extraction shall mean any operation or activity for the purpose of catching, entrapping, extracting, harvesting or gathering cetaceans, fish, molluscs, crustaceans, algae and other species of aquatic fauna and flora intended for direct or indirect human consumption or other purposes, including all activities carried out prior to or following such extraction which are directly or indirectly related to it.

...

Article 29. Vessels flying a foreign flag may conduct extraction operations in Peruvian jurisdictional waters in the following circumstances:

- (a) If they do not bring their catch to Peru;
- (b) If they are operating under contract for enterprises domiciled in Peru;
- (c) If they are engaged solely in supplying fresh or frozen fish to the domestic market;
- (d) If they are engaged in pelagic whaling; and
- (e) If they are accompanying the fishing fleet as refrigerator ships.

Article 30. In order to operate in Peruvian jurisdictional waters, vessels flying a foreign flag shall be required to:

(a) Register their certificates of registry with the competent Peruvian authority; such registration shall be valid for one calendar year, and may be extended for further periods of one calendar year.

(b) Obtain a fishing permit, which shall be granted by the Ministry of Fisheries, for the purpose of taking certain species, which shall be specified.

¹ Supreme Decree No. 011-71-PE of 25 June 1971. Text *ibid.* Translation by the Secretariat of the United Nations.

The permit shall be valid for 100 days and shall be renewable except that the vessels flying a foreign flag referred to in paragraphs (b) and (c) of the preceding article shall be granted permits valid for one calendar year, renewable for further periods of one calendar year.

Article 31. The vessels flying a foreign flag mentioned in article 29, paragraph (c), of these regulations shall be exempt from the payment of fees for registering their certificates of registry and for fishing permits. In order to conduct the aforesaid extraction operations, they shall require only an authorization issued by the Ministry of Fisheries upon receipt of a report from the Ministry of the Navy. The same exemption shall apply to the vessels mentioned in paragraph (b) of the said article when their catch is intended for the domestic consumer market.

Article 32. In addition to the requirements contained in these Regulations, the vessels flying a foreign flag mentioned in article 29, paragraph (d), shall be required to comply with the Regulations governing Maritime Fishing Activities in the Waters of the South Pacific¹ approved by Supreme Resolution No. 175 of 3 June 1933 and Legislative Resolution No. 12305 of 6 May 1955.

Article 33. Refrigerator ships shall be granted permits only when they are acting as motherships accompanying fishing vessels that are authorized to fish in accordance with these Regulations. Upon applying for such permits, the said ships shall pay only the fee for registering their certificates of registry and shall not be required to pay for a fishing permit. The catch which they receive shall be subject to the relevant export régime.

Article 34. Where vessels flying a foreign flag conduct fishing operations in Peru and store their catch in refrigeration facilities on land for technical reasons, the said catch shall be considered as goods in transit, for which a special permit must be requested.

Article 35. Vessels flying a foreign flag shall pay:

(a) Five hundred dollars (\$US 500.00) to register their certificates of registry; and

(b) Twenty dollars (\$US 20.00) for a fishing permit, per net register ton.

The revenues collected shall be deposited in a special account to be designated "Fisheries Research and Training—Ministry of Fisheries" and shall be used as provided in article 82 of these Regulations.

Article 36. Applications for the registration of certificates of registry and fishing permits shall be submitted to the Ministry of Fisheries or the regular Peruvian consulate exercising jurisdiction in the port of departure.

Article 37. In the cases referred to in article 29 of these Regulations, applications must be accompanied by the following documents:

(a) Photostats of the certificate of registry, the tonnage certificate and the maximum load line certificate;

¹ These Regulations refer only to whaling. In essence, they state that the enterprises in question shall also be required to register in a special register of the Standing Committee on the South Pacific; that they must obtain a permit from the said Committee; and that their respective crews shall also be required to enter their names in another special register of the said Committee. (Note supplied by the Peruvian Foreign Ministry.)

(b) A declaration indicating familiarity and express agreement to comply with the regulations governing the vessel's operations;

(c) Proof that there is a duly accredited and bonded agent or legal representative in Peru who assumes responsibility for the vessel's operations in the cases indicated in paragraphs (b), (c) and (d).

...

21. SRI LANKA¹

(a) PROCLAMATION OF 19 DECEMBER 1957 BY THE GOVERNOR-GENERAL ON THE RIGHTS OVER THE CONTINENTAL SHELF AND CONSERVATION ZONES²

Whereas it is established by international practice that every coastal State, for the purpose of the exploration and the exploitation of the natural resources of the sea-bed and the subsoil of the continental shelf adjoining its territory, has sovereign rights over such sea-bed and subsoil, and it is expedient to declare the rights of the Government of Ceylon in respect of the continental or insular shelf of Ceylon:

And whereas certain areas of the high seas provide fisheries which contribute to the food and means of livelihood of large sections of the population of Ceylon and consequently the Government of Ceylon has a special interest in maintaining the productivity of the living resources in all such areas:

Now, therefore, I, Oliver Ernest Goonetilleke, Governor-General of Ceylon, do by this Proclamation declare—

(1) That the Government of Ceylon has had and shall have full and exclusive sovereign rights over the sea-bed and subsoil of the continental or insular shelf adjoining the territory and beyond the territorial waters of Ceylon and accordingly may cause the exploration and the exploitation of the natural resources of such sea-bed and subsoil.

(2) That the Government of Ceylon may from time to time—

(a) Establish in accordance with laws enacted for the purpose, conservation zones in such part of the Indian Ocean as is commonly known as the Wadge Bank and in such areas of the high seas adjacent to the territorial waters of Ceylon as are within a distance of one hundred nautical miles from the outer limits of those waters.

(b) Take measures in the conservation zones so established in order to protect, conserve and control fisheries and other living resources of the sea from indiscriminate exploitation, depletion or destruction and

(c) Subject to the provisions of any international agreement or convention to which the Government of Ceylon is or may hereafter be a party, regulate all fishing activities in the aforesaid Wadge Bank and the aforesaid areas of the high seas in order to enforce the laws that may be enacted from time to time for the aforesaid purposes; and

¹ Prior to 22 May 1972 the official title of "Sri Lanka" was "Ceylon".

² *Government Gazette*, No. 11222; 20 December 1957.

(3) That nothing contained in this Proclamation shall be deemed to affect or diminish the undisputed and exclusive sovereign right and national jurisdiction of the Government of Ceylon to and over the Chank Fisheries and the Pearl Banks and Pearl Fisheries of Ceylon.

(b) CHANK FISHERIES ACT OF 1953, AS AMENDED¹

Taking of chanks

2.

(1) No vessel shall be used or employed in or for the purpose of taking chanks or of any operations for taking chanks, unless it is registered under this Act and the registration card issued in respect thereof is carried in the vessel at the time when it is so used or employed.

(2) The authority empowered under this Act to register vessels which are to be used or employed for the purpose of taking chanks or of any operations for taking chanks may refuse to register any vessel or cancel the registration of any vessel if he has reasonable cause to believe that such vessel is to be so used or employed, or is being so used or employed, by or on behalf of any person

(a) Who is neither a citizen of Ceylon nor the holder of a valid residence permit; or

(b) Who has been convicted of any offence by reason of his having acted in contravention of any of the provisions of this Act or any regulation made thereunder relating to the taking of chanks.

The decision of such authority to refuse or cancel such registration may be the subject of an appeal to a District Court.

3.

(1) No person shall carry out any diving operations for the purpose of taking chanks unless he is the holder of a diving licence issued under this Act and for the time being in force.

(2) No person shall use or employ any other person for the purpose of carrying out diving operations for taking chanks unless that other person is the holder of a diving licence issued under this Act and for the time being in force.

(3) The authority empowered under this Act to issue diving licences may refuse such licence to any applicant therefor, or may cancel the licence of any holder thereof, if such authority has reasonable cause to believe that the applicant or holder, as the case may be

(a) Is neither a citizen of Ceylon nor the holder of a valid residence permit; or

(b) Has been convicted of any offence by reason of his having acted in contravention of any of the provisions of this Act or any regulation made thereunder relating to the taking of chanks.

¹ *Legislative Enactments of Ceylon*, 1956 Revision, vol. VII, Cap. 213. This Act repealed the Chanks Ordinance, 1870.

The decision of such authority to refuse or cancel such licence may be the subject of an appeal to a District Court.

4.

No person shall use any dredge or other apparatus of a like nature for the purpose of taking chanks.

...

12.

(1) Any person who acts in contravention of any provision of this Act or any regulation made thereunder shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to imprisonment of either description for a period not exceeding six months or to a fine not exceeding five hundred rupees or to both such imprisonment and fine.

(2) Where any vessel is used or employed in contravention of section 2 of this Act or of any regulation made thereunder, the person for the time being in charge of the vessel shall be guilty of an offence punishable under subsection (1) of this section; and the owner of the vessel shall also be guilty of the like offence unless he proves to the satisfaction of the court that the offence was committed without his consent and that he had taken all reasonable steps to prevent such contravention.

13.

(1) Any chank, *bêche-de-mer*, coral or shell taken, or any dredge or vessel used or employed, in contravention of any provision of this Act or of any regulation made thereunder, may be seized by any fisheries inspector, or by any police officer or officer of customs, or by any headman, or by any person appointed for that purpose in writing by the Government Agent of the administrative district in which such seizure is made, and when seized shall be conveyed to the customs office nearest to the place of seizure; and anything so seized

(a) shall be returned to the person from whose possession it was seized forthwith upon the expiration of fourteen days after the seizure, unless a prosecution for the alleged contravention is instituted before the end of that period; or

(b) shall be returned to that person forthwith after the final determination of the prosecution unless it is duly declared to be forfeited to Her Majesty under subsection (2).

(2) Any court convicting any person of any offence under this Act may make order declaring that any chank, *bêche-de-mer*, coral, shell, dredge or vessel used in or in connexion with the commission of the offence shall be forfeited to Her Majesty; and anything so ordered to be forfeited may be sold or otherwise disposed of in such manner as the court may direct.

...

(c) PEARL FISHERIES ORDINANCE OF 12 FEBRUARY 1925, AS AMENDED¹

PART I

Preliminary

2.

In this Ordinance, unless the context otherwise requires,

...

“Pearl bank” means the areas from time to time specified in the First Schedule² and includes the bed of any pearl bank. The said Schedule may from time to time be altered by regulation;

“Pearl fishery guard” means all customs officers, police officers, peace officers, the camp superintendent, the inspector of pearl banks, and every person appointed by the camp superintendent, or the inspector of pearl banks, to act as a pearl fishery guard;

“Pearl oyster” means pearl-bearing oysters of all descriptions, and includes the mollusc commonly called the “window pane oyster” or “the Tampalakam pearl oyster”, and scientifically known as *Placuna Placenta*, as well as any other pearl-producing molluscs which may be introduced, or laid down, off the coasts of Ceylon, or in the bays or inland waters of Ceylon;

...

“Vessel” includes ships, boats, rafts, canoes, and vessels of every description.

3.

The exclusive right of fishing for and taking pearl oysters off the coasts of Ceylon and in all bays and inland waters of Ceylon is vested in the Crown.

PART II

Regulation of pearl fisheries

4.

(1) No person shall fish, or dive for, or collect, pearl oysters on, or from any pearl bank, or use a vessel for any such purpose, unless he holds a licence (in this Ordinance referred to as a pearl fishery licence) authorizing him so to do.

(2) A pearl fishery licence shall be issued in the discretion of and by a Government Agent authorized to issue such licences, and shall be in the appropriate form in the Second Schedule.² The said Second Schedule may be altered by regulation.

(3) Any penalty imposed by a pearl fishery licence may be recovered on summary conviction before a Magistrate as well as by any means provided by the licence.

¹ *Legislative Enactments of Ceylon*, 1956 Revision, vol. VII, Cap. 214.

² The Schedule is not reproduced here.

(4) Every person, to whom a pearl fishery licence is issued under this section, shall produce it on the demand of and for the perusal by any pearl fishery guard, and shall observe the terms and conditions contained in the licence.

(5) A licence to collect pearl oysters issued by any Government Agent before the commencement of this Ordinance shall be deemed to be a pearl fishery licence issued under this Ordinance.

(6) All pearl oysters or pearls collected otherwise than under the authority of and in accordance with the terms and conditions contained in a duly issued pearl fishery licence are the property of the Crown.

...

6.

(1) No person shall on any pearl bank use or have in his possession, power, or control for use on such bank any net, dredge, or fishing line, or fishing tackle.

(2) Nothing in this section shall apply to any dredge, net, fishing line, or fishing tackle, the use of which is for the time being permitted by regulation.

7.

Unless permitted by regulation, no person shall anchor any vessel on a pearl bank except when collecting pearl oysters under the authority of a pearl fishery licence or compelled to do so by necessity.

8.

If any pearls or pearl oysters are found in the possession, power, or control of any person on a pearl bank, or proceeding from a pearl bank to the shore, or disembarking or immediately after having disembarked, on coming from a pearl bank, and there appears to the Magistrate to be prima facie evidence that the pearls or pearl oysters were obtained in contravention of the provisions of this Ordinance, then such pearls or pearl oysters shall be forfeited to the Crown unless satisfactory evidence is given that they were lawfully obtained, and that person shall be guilty of an offence unless satisfactory evidence is given that he was not personally concerned in the unlawful obtaining thereof and that they were not dishonestly retained in his possession, power, or control with the knowledge that they had been unlawfully obtained.

9.

(1) If any vessel is found on a pearl bank anchoring or hovering and not proceeding to her proper destination as wind and weather permit, or is found on or near a pearl bank in circumstances giving rise to reasonable suspicion that she is being or has been used for the unlawful collection of pearl oysters, any pearl fishery guard specially authorized by a Government Agent, Assistant Government Agent, or the inspector of pearl banks to act for the purposes of this section may enter, seize, and search such vessel, and convey the same to some convenient place in Ceylon for adjudication.

...

10.

If any person contravenes or attempts to contravene or abets the contravention of any provision of this Part or any regulation made thereunder, he shall be guilty of an offence against this Ordinance, and shall, on conviction by a Magistrate, be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(d) WHALING ORDINANCE OF 4 JULY 1936, AS AMENDED¹

...

2.

(1) The provisions of this Ordinance shall apply only in relation to whales known as

(a) Whalebone whales or baleen whales;

(b) Sperm whales.

(2) The Minister may, by Order published in the Gazette, declare that the provisions of this Ordinance shall apply to whales other than those mentioned in subsection (1) or to any other marine mammals of the order *Cetacea*, subject to such exceptions, adaptations and modifications as may be specified in the Order; and upon the publication of any such Order the provisions of this Ordinance shall apply to such other whales or mammals or to such descriptions thereof as may be so specified.

3.

(1) No person shall, within the coastal waters of Ceylon, kill or take or attempt to kill or take

(a) A right whale, or

(b) An immature whale, or

(c) A female whale which is accompanied by a calf.

(2) If any person kills or takes or attempts to kill or take any whale specified in subsection (1), that person and the master of the vessel used for the purpose of such killing or taking or of such attempt to kill or take, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding three months, or to a fine not exceeding two thousand rupees, and an additional fine not exceeding the value of the products, if any, obtained or obtainable from the whale in question, or to both such imprisonment and such fines.

...

4.

(1) Without prejudice to the provisions of section 3, no person shall use any vessel for the purpose of taking or treating whales within the coastal waters of Ceylon or use any factory situate within Ceylon for the purpose

¹ *Legislative Enactments of Ceylon*, 1956 Revision, vol. VII, Cap. 215.

of treating whales, unless the master of the vessel or the occupier of the factory is the holder of a licence in force under this Ordinance authorizing the vessel or the factory, as the case may be, to be so used.

(2) If any vessel or factory is used for taking or treating whales in contravention of this section, the master of the vessel or the manager and the occupier of the factory, as the case may be, shall each be guilty of an offence and shall each be liable, in respect of each whale taken or treated in contravention of this section, to imprisonment of either description for a term not exceeding three months, or to a fine not exceeding two thousand rupees and an additional fine not exceeding the value of the products, if any, obtained or obtainable from the whale, or to both such imprisonment and such fines.

5.

(1) Every application for a licence under this Ordinance shall be in such form, contain such particulars, and be accompanied by such fee, as may be prescribed, and shall be addressed to the Marine Biologist.

...

8.

(1) There may be appointed for the purposes of this Ordinance any person by name or by office to be or to act as a whale fishery inspector.

(2) For the purpose of enforcing the provisions of this Ordinance, a whale fishery inspector, on producing on demand evidence of the fact that he is such an inspector

(a) May board or enter any vessel or factory which he has reason to believe is used for taking or for treating whales, and inspect the vessel or factory and its plant and equipment; and

(b) May, in the case of any such vessel, require the master and crew, or any of them, or in the case of any such factory, require the occupier or manager thereof and the employees therein or any of them, to produce all such licences, records and other documents as the inspector considers it necessary to inspect, and to answer all such inquiries as he considers it necessary to make; and

(c) May take copies of, or extracts from, any documents produced to him.

(3) Every person who refuses to produce to a whale fishery inspector any document which he is required under this section to produce, or refuses to answer, or answers falsely, any inquiry duly made of him by such an inspector, or otherwise obstructs, or refuses facilities to, such an inspector in the discharge of his functions under this section, shall be guilty of an offence and shall on summary conviction before a Magistrate be liable to a fine not exceeding one thousand rupees.

(4) A whale fishery inspector appointed under this Ordinance shall be a public servant within the meaning of the Penal Code.

...

(e) FISHERIES ORDINANCE, 1956 REVISION¹

. . .

Fishing licences and registration of fishing boats

5.

Subject as hereinafter provided, no person shall take, or employ any other person to take, any fish for profit in Ceylon waters except under the authority of a fishing licence granted by a prescribed officer under this Ordinance: provided, however, that nothing herein before contained shall apply

(a) To a Ceylonese or a Ceylon company;

(b) To a Ceylonese who is employed by, and takes fish on behalf of, a Ceylonese or a Ceylon company or the holder of a fishing licence; and

(c) To any person who is a member of a class of persons exempted by regulation from the necessity for obtaining a fishing licence.

6.

(1) Every application for a fishing licence shall be made to the prescribed officer in the prescribed form and shall be accompanied by the prescribed fee.

(2) A prescribed officer may, in such circumstances and upon such grounds as may be prescribed, refuse to grant a fishing licence to any person who makes application therefor. An appeal shall lie to the Minister from any such refusal, and the decision of the Minister upon such appeal shall be final.

7.

Every fishing licence shall

(a) Be in the prescribed form, and be in force until the thirty-first day of December next following the date on which it is granted;

(b) Be subject to such conditions as may, in accordance with regulations, be inserted in the licence.

8.

The Director [of Fisheries] may by order revoke any fishing licence if he is satisfied that the holder thereof has acted in contravention of any provision of this Ordinance or any regulation, or has committed a breach of any condition lawfully inserted in the licence. An appeal shall lie to the Minister from any such order, and the decision of the Minister upon such appeal shall be final.

9.

Regulations may be made providing for the registration of fishing boats used for the purpose of taking fish in Ceylon waters, and of the owners of such boats.

10.

On or after such date as may be prescribed, no person shall use any fishing boat for the purpose of taking fish in Ceylon waters, unless the boat has been registered under this Ordinance.

¹ *Legislative Enactments of Ceylon, 1956 Revision, vol. VII, Cap. 212.*

11.

(1) On or after such date as may be prescribed, no person shall, except under the authority of a permit issued in that behalf by a prescribed officer, land at any port or place in Ceylon any fish taken outside Ceylon waters unless:

(a) Such fish was taken by a fishing boat duly registered under this Ordinance; or

(b) Such fish was, before being brought to land in Ceylon, previously landed at a port or place outside Ceylon.

(2) Regulations may be made exempting any specified class or classes of persons from the operation of the provisions of subsection (1).

(3) A prescribed officer may, in such circumstances and upon such grounds as may be prescribed, refuse to issue to any person a permit under this Ordinance to issue to any person a permit under this Ordinance to land in Ceylon fish taken outside Ceylon waters. An appeal shall lie to the Minister from any such refusal, and the decision of the Minister upon such appeal shall be final.

...

Protection of fish

...

14.

No person shall in Ceylon waters use any poisonous, explosive or stupefying substance for the purpose of poisoning, killing or stupefying any fish.

...

Fishing disputes

20.

(1) Where any fishing dispute arises or is apprehended, the Minister may, if he considers it expedient so to do, refer the dispute and all matters relating thereto, connected therewith or arising therefrom for public inquiry and report to any person or to a committee of not more than three persons appointed by him for the purpose. Where a committee is so appointed, one of the members nominated by the Minister in that behalf shall be the chairman.

...

(14) In this section "fishing dispute" means any dispute, between two or more groups or sections of persons engaged in fishing, in regard to the right to take fish, or to the time or manner of taking fish in any part of Ceylon waters.

Powers of officers, offences, regulations, &c.

21.

The Director [of Fisheries] or any prescribed officer, or any person authorized in writing by the Director either generally or specially in that behalf, may

(a) Go on board any fishing boat which is for the time being within Ceylon waters and may make such examination of the boat, the personnel of the crew thereof, the nets and other equipment carried therein and the fish found therein, as may be necessary for the purpose of ascertaining whether any provision of this Ordinance or of any regulation has been contravened;

(b) Examine any fishing nets, fishing kraals, fishing stakes or other fishing equipment, which may be found in Ceylon waters;

(c) Enter any premises in which fish is stored, kept or cured for profit, or in which any aquarium is maintained for profit, and examine any fish found therein for the purpose of ascertaining whether any provision of this Ordinance or of any regulation has been contravened.

22.

(1) Any officer appointed under section 2 (1) may, if he has reason to believe that any offence under this Ordinance has been committed, seize and detain any fishing boat, or any fishing net or stake, or other equipment or instrument or any vehicle used in or in connexion with the commission of the offence, or any fish taken in the course of such commission.

(2) Where any article is seized under subsection (1), the officer by whom the article was seized shall, as soon as possible, produce that article before or make it available for inspection by a Magistrate's Court of competent jurisdiction; and the court shall make such order as it may deem fit relating to the custody of the article pending its disposal under subsection (3).

(3) Where any article is seized under subsection (1) from the possession of any person:

(a) It shall be returned to that person forthwith upon the expiration of fourteen days after the seizure, unless a prosecution for the alleged offence is instituted before the end of that period; or

(b) It shall, forthwith after the final determination of the prosecution, be returned to that person or to such other person as is considered by the court to be entitled to its possession unless it is duly declared to be forfeited to Her Majesty under subsection (2) of section 30.

23.

For the purposes of this Ordinance it shall be presumed until the contrary is proved

(a) That where any fish is found at any time in any fishing boat at any place in Ceylon or in Ceylon waters, such fish was taken

(i) By the owner of that boat, if he is in the boat at that time or if no person is found in the boat at that time, or

(ii) By the person for the time being in the boat and in charge thereof, if the owner is not in the boat at that time;

(b) That any person who takes, or is presumed under paragraph (a) (ii) to have taken, any fish from a fishing boat of which he is not the owner, is employed by the owner of that boat for the purpose of taking such fish;

(c) That where any fishing boat which has not been registered is at any time within Ceylon waters, any fish found in that boat at that time was taken for profit in Ceylon waters;

(d) That any fish which is not taken for sport, scientific research or for any other prescribed purpose, is taken for profit.

24.

(1) Where any poisonous, explosive or stupefying substance, which can be used for the purpose of poisoning, killing or stupefying fish, is found in the possession or control of any person in the neighbourhood of any Ceylon waters, shortly after such substance is proved to have been used in such waters, that person shall be presumed, until the contrary is proved, to have used such substance for the purpose aforesaid.

(2) Where any poisonous, explosive or stupefying substance, which can be used for the purpose of poisoning, killing or stupefying fish, is found in the possession or control of any person in a fishing boat in Ceylon waters, that person shall be presumed, until the contrary is proved, to have attempted to use such substance for the purpose aforesaid.

25.

Where any net, the use of which in any specified part of Ceylon waters is prohibited by any regulation made under this Ordinance, is found in the possession or under the control of any person within a distance of a quarter of a mile from such waters, then, for the purposes of any prosecution for a contravention of that regulation that person shall be presumed, until the contrary is proved, to have used such net in such waters.

26.

(1) Any person who acts in contravention of any provision of this Ordinance shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who acts in contravention of any provision of any regulation or of any condition lawfully inserted in any fishing licence or permit granted under this Ordinance, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees.

(3) A person who acts in contravention of any provision of any regulation shall, in addition to any other penalty which may be imposed under subsection (2), be liable to a fine of one hundred rupees for each day during which the contravention is continued after conviction thereof.

(4) Any person who attempts or conspires to commit any offence under this Ordinance shall be deemed to be guilty of that offence.

27.

(1) Any person who acts in contravention of any of the provisions of section 14 shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than five hundred rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment or on a second or subsequent conviction

to a fine not less than one thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

...

30.

(1) Where the holder of a fishing licence or of a permit granted or issued under this Ordinance is convicted by a Magistrate of any offence under this Ordinance, the Magistrate may make order cancelling the licence or permit.

(2) The Magistrate may, on the conviction of any person of any offence under this Ordinance, make order declaring that any fishing boat, or any fishing net or stake, or other equipment or instrument or any vehicle used in or in connexion with the commission of the offence, or any fish taken in the course of such commission shall be forfeited to Her Majesty:

Provided that in the case of a conviction of an offence under section 14 or section 15, the Magistrate shall make order as aforesaid unless it is proved that the fishing boat, fishing net or stake, or other equipment or instrument or vehicle belongs to a person other than the person convicted and that the owner thereof had no knowledge that it would be used in or in connexion with the commission of the offence.

31.

Where any offence under this Ordinance is committed by any person in any part of the sea which is within Ceylon waters, the Magistrate's Court having jurisdiction:

(a) Over that part of the coast nearest to the place at which the offence was committed; or

(b) Over the place at which the person comes ashore after the commission of the offence,
shall have jurisdiction to try the offence.

...

35.

In this Ordinance, unless the context otherwise requires

...

“Ceylon waters” includes

(a) The territorial waters of Ceylon; and

(b) All public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, ponds and channels and all other public inland waters;

...

“Fish” means any variety of marine, fluviomarine or fresh-water fishes, *crustacea* or *mollusca*, and includes every aquatic animal which derives its sustenance wholly or mainly in water, but does not include

(a) Chanks;

(b) Pearl oysters within the meaning of the Pearl Fisheries Ordinance;

(c) Whales to which the Whaling Ordinance applies; or

(d) Any reptile for the time being included in Schedule I to the Fauna and Flora Protection Ordinance;

“Fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed for the purpose of taking fish;

“Fishing licence” means a licence to take fish in Ceylon waters granted under section 5;

...

“Inland water” means any part of Ceylon waters other than the territorial waters of Ceylon;

...

“Territorial waters” means the part of the sea within a distance of three nautical miles from any point of the coast of Ceylon measured from low-water mark of ordinary spring tides.

22. SWEDEN

(a) ROYAL NOTICE OF 5 SEPTEMBER 1968 CONCERNING THE EXTENT OF THE SWEDISH FISHERY ZONE¹

His Majesty the King, in pursuance of article 1 of Act No. 596 of 1 December 1950 respecting fishery rights,² has seen fit to make the following order:

The Swedish fishery zone shall be bounded to the north by straight lines between the most westerly point on the outer boundary of Sweden's territorial sea in the direction of Norway, the point 58° 53' 34.0" N, 10° 38' 25.0" E and the point 58° 45' 41.3" N, 10° 35' 40.0" E and to the south by a straight line between the Kullen Lighthouse and Gilbjergohoved.

The fishery zone includes the area of sea beyond the territorial boundary up to a distance of eight nautical miles or 14,816 metres from that boundary, but not beyond a line on which all points are equidistant from the nearest points on the low-water line along the Swedish coast and along the coast of any foreign country.

...

(b) ROYAL NOTICE OF 5 SEPTEMBER 1968 CONCERNING THE RIGHT OF ALIENS TO FISH IN SWEDISH TERRITORIAL WATERS AND IN THE SWEDISH FISHERY ZONE³

His Majesty the King, in pursuance of articles 4 and 21 of Act No. 596 of 1 December 1950 respecting fishery rights,² has seen fit to make the following order:

¹ Entered into force on 1 November 1968. Text provided by the Permanent Representative of Sweden to the United Nations in a note verbale of 31 January 1972. Translation by the Secretariat of the United Nations.

² The Act, as amended, is reproduced in part in ST/LEG/SER.B/15, pp. 669-670.

³ Entered into force on 1 November 1968, whereupon Notice No. 47 of 25 March 1960 concerning the rights of aliens to fish in public waters and other matters ceased to have effect. Text provided by the Permanent Representative of Sweden to the United Nations in a note verbale of 31 January 1972. Translation by the Secretariat of the United Nations.

Article 1

Fishing may be carried on from Danish fishing vessels in the Swedish fishery zone north of a straight line from the most northerly point of the Skaw to the Vinga Lighthouse. South of that line Danish fishermen may fish in accordance with Royal Notice No. 282 of 2 June 1933 containing provisions concerning fishing in the frontier waters of Sweden and Denmark.

Fishing may be carried on from Norwegian fishing vessels in the Swedish fishery zone north of a straight line between the Skaw Lighthouse and the Tistlarna Lighthouse.

Nationals of Denmark, Finland, Iceland or Norway may engage in spare-time fishing with a rod, bob or similar hand-tackle in the Swedish fishery zone and along the sea coast, beyond the coast of Nedertonea commune, in public waters and in private waters within the limits specified in article 6, 11 to 13 and 15 of the Act respecting fishery rights.

The rights of nationals of Denmark, Finland or Norway to fish in certain frontier areas shall be governed by special provisions.

Article 2

Aliens who are not entitled to fish in accordance with article 1, third paragraph, of this Notice, or article 4, first paragraph, or article 21, first paragraph, of the Act respecting fishery rights may, upon authorization, engage in spare-time fishing in the Swedish fishery zone, in public waters or in private waters within the limits specified in articles 6 to 20 of the Act respecting fishery rights.

The question of authorization shall be considered by the Board of Fisheries. If fishing is to be carried on only in certain specific countries, authorization may be granted by the county authorities, or, if fishing is to be carried on with the use of hand-tackle for a period not exceeding fourteen days, by the police authorities in the locality. The authorization shall apply to a particular person. The Board of Fisheries may, however, also grant authorization to groups of aliens.

The Board of Fisheries and the police authorities shall inform the county authorities of any decisions whereby authorization is granted.

Article 3

With respect to spare-time fishing carried on in pursuance of article 1, third paragraph, or under authorization as provided in article 2, the appropriate portions of articles 3, 4, 10 and 11 of the Fisheries Act (No. 607) of 24 September 1954¹ shall apply also in the case of fishing from foreign vessels in the Swedish fishery zone.

Article 4

A spare-time fishing permit shall be carried by the person fishing at the time of fishing and shall be shown upon request to the fishing warden or any other person supervising fishing in accordance with the provisions in force.

¹ The Act is reproduced in part in ST/LEG/SER.B/15, pp. 671-673.

Article 5

Fish caught in the course of spare-time fishing as provided in this Royal Notice may not be sold.

The spare-time fishing permit shall mention the prohibition contained in the first paragraph.

Article 6

Any person who fails to comply with the provisions of article 4 shall be fined up to 500 kroner. If, however, the person concerned can satisfy the fishing warden, police authority or prosecutor, within three working days from the date of the request to produce a permit, that at the time of the offence he was in possession of a valid permit, he shall be exempt from the penalty.

Any person who fails to comply with the provisions of article 5, first paragraph, shall be fined.

23. UNION OF SOVIET SOCIALIST REPUBLICS

FUNDAMENTAL PRINCIPLES OF WATER LEGISLATION IN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNION REPUBLICS, DATED 10 DECEMBER 1970, articles 10, 28 and 29¹

24. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*(a) SEA FISHERIES REGULATION ACT 1966²**Sea fisheries districts and local fisheries committees**1. Establishment of sea fisheries districts and local fisheries committees*

(1) The Minister may, on the application of a county council or borough council, by order

(a) Create a sea fisheries district comprising any part of the sea within the national or territorial waters of the United Kingdom adjacent to England or Wales, either with or without any part of the adjoining coast, and

(b) Define the limits of the district, and the area chargeable with any expenses under this Act, and

(c) Provide for the constitution of a local fisheries committee for the regulation of the sea fisheries carried on within the district;

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter I, 29(b).

² 1966 Chapter 38, 17 November 1966. Came into force on 18 December 1966. This Act does not extend to Scotland or Northern Ireland. By this Act, several enactments were repealed, including (1) The Sea Fisheries Regulation Act 1888 (partly reproduced in ST/LEG/SER.B/6, pp. 588-590) as amended by the Schedule I to the Fishery Limits Act 1964 (ST/LEG/SER.B/15, p. 679), and (2) The Sea Fisheries (Shell Fish) Regulation Act 1894 (57 and 58 Vict. c.26).

and the Minister may, by a subsequent order made on the like application, or made on the application of the local fisheries committee and after consultation with every county or borough council concerned, vary or revoke any order made under this section, or unite two or more districts or parts of districts into a separate sea fisheries district that may have been created.

...

Powers of local fisheries committees

5. Byelaws for regulation, etc., of sea fisheries

(1) The local fisheries committee for a sea fisheries district may, subject to such regulations as may be made in that behalf by the Minister by statutory instrument, make byelaws, to be observed within their district, for all or any of the following purposes, namely

(a) For restricting or prohibiting, either absolutely or subject to any exceptions and regulations, the fishing for or taking of all or any specified kinds of sea fish during any period specified in the byelaw;

(b) For restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish and for determining the size of mesh, form and dimensions of any instrument of fishing for sea fish;

(c) For prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing;

...

10. Appointment and powers of fishery officers

(1) Subject to any restrictions or conditions as to expenditure made by the council or councils by whom a local fisheries committee is appointed, the committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee, but nothing in this section shall exempt British sea-fishery officers from their statutory duty of enforcing the laws and regulations affecting vessels engaged in sea fishing.

(2) For the purpose of enforcing byelaws made by a local fisheries committee any fishery officer appointed by the committee may within the limits of the district, or of any adjoining sea fisheries district or district under the jurisdiction of a river authority or of a harbour authority,

(a) Stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance the deposit or discharge of which is prohibited or regulated by any such byelaw;

(b) Examine any instrument used in fishing for fish and search any container used in carrying fish; and

(c) Seize any sea fish or instrument taken or used in contravention of any such byelaw.

(3) For the enforcement of the provisions of any such byelaw every such officer shall be deemed to be a constable and to have the same powers and

privileges and be subject to the same liabilities as a constable duly appointed has and is subject to at common law or by statute.

...

(b) SEA FISH (CONSERVATION) ACT 1967,¹ AS AMENDED IN 1968²

Restrictions on commercial use of undersized, etc., sea fish

1. *Size limits, etc., for fish*

(1) Subject to the provisions of this section and of section 9 (1) of this Act, no person shall, in Great Britain, land, sell, expose or offer for sale, or have in his possession for the purpose of sale, any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description by an order of the Ministers, and orders under this subsection may prescribe a different size in relation to landing from that prescribed for other purposes.

(2) Where an order under subsection (1) above prescribes a size for fish of any description (whether in relation to landing only or for all the purposes of the subsection), then, except in so far as provision to the contrary is made by such an order, a person who in Great Britain lands a part of a fish of that description, shall, subject to section 9(1) of this Act, be deemed to contravene subsection (1) above if the part is of a smaller size than the one so prescribed.

(3) Sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description by an order under subsection (1) above shall not be carried, whether within or outside the fishery limits of the British Islands, on a British fishing boat.

(4) An order under subsection (1) above may prohibit the carrying, by any foreign fishing boat in waters adjacent to the United Kingdom and within the fishery limits of the British Islands, of sea fish of any description prescribed by the order which are of less than the minimum size so prescribed in relation to sea fish of that description.

(5) An order under subsection (1) above may confer exemptions from any prohibition imposed by or by virtue of this section; and any such exemption may be general or subject to conditions and may relate to all fish to which the order applies or to fish of any specified description.

(6) Any person who contravenes subsection (1) above shall be guilty of an offence under that subsection and if subsection (3) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

...

¹ 1967 Chapter 84, 27 October 1967. Came into force on 28 November 1967. Several provisions of this Act do not extend to Northern Ireland. By this Act, provisions of several enactments were repealed, including the Sea-Fishing Industry Act 1933 (reproduced in part in ST/LEG/SER.B/6, p. 596) (the entire act except Section 4(2)), the White Fish and Herring Industries Act 1948 (reproduced in part *ibid.*, pp. 599-600) (Sections 1, 2, and 10(a) only), and the Sea Fish Industry Act 1959 (Sections 4 to 8, 9(1) (a) and (b), 10 to 12, 14(2), etc.).

² Amended by the Sea Fisheries Act 1968, *infra* (d).

Regulation of fishing for sea fish

3. *Regulation of nets and other fishing gear*

(1) The Ministers may make an order for securing that the nets and other fishing gear carried in any British fishing boat registered in the United Kingdom comply with such requirements as to construction, design, material, or size, including, in the case of nets, size of mesh, as may be prescribed by the order, and an order under this section, or any provisions of such an order, may be framed so as to apply only in relation to fishing for specified descriptions of sea fish, to specified methods of fishing or to fishing in specified areas or during specified periods.

(2) An order under this section may be made so as to extend to nets or other fishing gear carried in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands by fishing boats registered in any country outside the United Kingdom or not registered in any country.

...

(5) If any order under this section is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

...

4. *Licensing of British fishing boats*

(1) As from such day as may be appointed by an order¹ made by the Ministers and subject to such exceptions as may be made by any such order, no British fishing boat registered in the United Kingdom shall be used by way of trade or business for fishing in any area specified in the order, and no fishing boat which is British-owned but not registered under the Merchant Shipping Act 1894 shall be used by way of trade or business for fishing for salmon or migratory trout in any area so specified, except under the authority of a licence granted by one of the Ministers and for the time being in force.

...

(7) If subsection (1) above is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

...

5. *Power to restrict fishing for sea fish*

(1) Subject to the provisions of this section, where it appears to the Ministers necessary or expedient to do so for the purpose of giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, they may by order² prohibit, for any period and in any area specified in the order

¹ The Salmon and Migratory Trout (Sea Fishing) Licensing Order 1971 (*Statutory Instruments* 1971, No. 181) appointed the day for the purpose of this section as 15 February 1971.

² See, e.g., the Sea Fish (Northwest Atlantic) Order 1970, *infra* (j), the Salmon and Migratory Trout (Prohibition of Fishing) Order 1971, *infra* (k), and the Salmon (Northwest Atlantic) Order 1971, *infra* (l).

(a) All fishing for sea fish, or
 (b) The fishing for any description of sea fish specified in the order, or
 (c) The fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified,
 by any fishing boat to which the prohibition applies; and where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under this subsection.

(2) The power conferred by subsection (1) above shall, in relation to the imposition of any prohibition:

(a) On fishing for salmon or migratory trout, whether within or outside the fishery limits of the British Islands, or

(b) On fishing for any other sea fish in any waters adjacent to Great Britain and within those limits,

be exercisable wherever it appears to the Ministers to be necessary or expedient to exercise that power, whether for the purpose of giving effect to such a convention or agreement as is therein mentioned or not.

(6) Where an order under this section is made in respect of a description of sea fish specified in the order, and, in the course of any fishing operations conducted in an area so specified and at a time when a prohibition imposed by the order in relation to sea fish of that description has effect in that area, any sea fish of that description (or, if the prohibition applies only to fishing for sea fish of that description by a method specified in the order, any sea fish of that description caught by that method) are taken on board a fishing boat to which the obligation imposed by this subsection applies, those sea fish shall, subject to section 9 of this Act, be returned to the sea forthwith.

(7) Where subsection (6) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

(8) Subject to section 9 of this Act, any prohibition imposed by an order under this section, and the obligation imposed by subsection (6) above, shall apply to all British fishing boats registered in the United Kingdom and, in any waters adjacent to the United Kingdom which are within the fishery limits of the British Islands, also to all other fishing boats; and any prohibition imposed by such an order, in so far as it relates to fishing for salmon or migratory trout, shall apply also to any fishing boats which are British-owned but not registered under the Merchant Shipping Act 1894.

Regulation of the landing of sea fish

6. Prohibition on landing of sea fish caught in certain areas

(1) The Ministers, after consultation with the Board of Trade, may by order¹ prohibit, in accordance with the provisions of this section, the landing

¹ e.g., the Hake (Regulation of Landing) Order 1970 (*Statutory Instruments* 1970 No. 373) and the Salmon and Migratory Trout (Restriction on Landing) Order 1971 (*ibid.*, 1971 No. 172).

in the United Kingdom of sea fish, or any particular description of sea fish, being fish caught in any such waters as may be specified in the order.

...

Exemptions for certain operations

9. Exemption for operations for scientific and other purposes

(1) Nothing in section 1 (1) or (2) of this Act shall restrict the landing of fish taken in the course of fishing operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation.

(2) Nothing in section 1 (3) of this Act or in any order made under section 3 thereof shall apply in relation to fishing operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

(3) Neither a prohibition imposed by an order under section 5 of this Act, nor the obligation imposed by subsection (6) of that section, shall apply in relation to fishing operations conducted under the authority of one of the Ministers for either of the purposes mentioned in subsection (2) above.

(4) No enactment to which this subsection applies, and no order or byelaw made (whether before or after the passing of this Act) under any such enactment, shall restrict the carrying on of any operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation, or for the purpose of transplanting sea fish from one fishing ground to another, or shall restrict the landing of sea fish caught in the course of any such operations.

(5) Subsection (4) above applies to sections 4, 5, 6 and 8 of this Act and to any other enactment which provides for regulating the catching or landing of sea fish.

...

Measures for increase or improvement of marine resources

10. Measures for increase or improvement of marine resources

The Ministers may take or concur or assist in the taking of such measures for the increase or improvement of marine resources as may be required for giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country.

Penalties for, and other provisions as to, offences

11. Penalties for offences

(1) Any person guilty of an offence under any provision of this Act shall be liable on summary conviction

(a) In the case of a first offence under that provision, to a fine not exceeding £100;

(b) In the case of a second or subsequent offence under section 1 (1) or (3), section 2 or section 5 (6), to a fine not exceeding £200; and

(c) In the case of a second or subsequent offence under any other provision of this Act, to imprisonment for a term not exceeding three months or a fine not exceeding £200 or both.

(2) Subject to the following provisions of this section, the court by which a person is convicted of an offence under any of the following provisions of this Act, that is to say, sections 1 (3), 3, 4, 5 (1) or (6) and 6, may:

(a) In the case of an offence under section 1 (3), order the forfeiture of any fish in respect of which the offence was committed;

(b) In the case of an offence under section 3, order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred;

(c) In the case of an offence under section 4 or section 5 (1) or (6), order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence;

(d) In the case of an offence under section 6, order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used on the vessel in catching any fish landed in contravention of an order under that section.

(3) Any person guilty of an offence under section 4, section 5 (1) or (6) or section 6 of this Act shall, subject to subsection (5) below, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(4) A person shall not be liable to a fine under subsection (3) above in respect of an offence if, under subsection (2) above, the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (3) above in respect of any offence, the court shall not have power under subsection (2) above to order the forfeiture of the fish in respect of which the offence was committed.

(5) Subject to subsection (4) above, any fine to which a person is liable under subsection (3) above in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this section or under any other enactment.

12. *Offences committed by bodies corporate*

Where any offence under any of the following provisions of this Act, that is to say, section 1(1) and (3) and sections 3 and 6, committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Enforcement of orders, etc.

15. *Powers of British sea-fishery officers for enforcement of Act*

(1) Every British sea-fishery officer shall have the powers conferred by the following provisions of this section.

(2) Any such officer may seize:

(a) Any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been, or is being, committed;

(b) Any fish caught by the use of a fishing boat contravening section 4 (1) of this Act, or caught in contravention of a prohibition imposed by an order under section 5 thereof, where the fish are on the fishing boat or, as the case may be, on the fishing boat used in contravention of such a prohibition or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the fishing boat;

(c) Any net or other fishing gear used in contravening the said section 4 (1) or used in contravention of a prohibition imposed by an order under the said section 5;

(d) Any fish landed in contravention of an order under section 6 of this Act, and any net or other fishing gear used in catching any fish so landed.

(3) Any such officer may exercise in relation to any fishing boat in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands, and in relation to any British fishing boat registered in the United Kingdom and any British owned fishing boat (not so registered) anywhere outside those limits, such of the powers of a British sea-fishery officer under section 8 (2) to (4) of the sea Fisheries Act 1968¹ as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of any of the provisions of sections 1 to 7 of this Act or any order made under any of those sections.

(4) An order under this section may make different provision for different cases.

(5) Section 10 of the Sea Fisheries Act 1968 shall apply in relation to the provisions of an order under this section and the powers thereby conferred as they apply in relation to section 8 of that Act and the powers thereby conferred; and, in relation to an offence under the said section 10 as it applies by virtue of this subsection, sections 12 to 14 of that Act shall apply accordingly.

16. *Enforcement of orders under ss. 1 and 2.*

(1) With a view to enforcing any order under section 1 of this Act, and with a view to enforcing section 2 thereof, any of the following officers, that is to say

(a) Any officer authorised by the appropriate Minister,

(b) Any police officer,

(c) Any officer of a market authority, acting within the limits of any market which that authority has power to regulate,

(d) Any fishery officer of a local fisheries committee acting within the district of the committee, and

(e) Any officer authorised by the Fishmongers' Company and acting within the City of London,

may, at all reasonable times, go on board any fishing boat or enter any premises used for carrying on any business in connection with the treatment, storage

¹ *Infra* (d).

or sale of sea fish, may search for and examine any sea fish in any place, whether on board a fishing boat or elsewhere, and whether in a receptacle or not, and may seize any sea fish which have been landed, sold or exposed or offered for sale by any person in contravention of the said section 1, or which any person has in his possession in contravention of the said section 1 or 2, as the case may be.

...

17. *Enforcement of orders under s. 3*

With a view to enforcing any order made under section 3 of this Act, any fishery officer of a local fisheries committee may, within the district of the committee, go on board any British fishing boat registered in the United Kingdom and search for and examine all nets or other fishing gear carried in that boat, and may seize any net or other fishing gear in respect of which a contravention of an order under that section has been, or is being, committed.

...

22. *Interpretation*

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:

“British-owned”, in relation to a fishing boat, means owned by a person who is (within the meaning of the Merchant Shipping Act 1894) a person qualified to own a British ship, or owned by two or more persons any one of whom is (within the meaning of that Act) a person so qualified;

“British sea-fishery officer” means any person who by virtue of section 7 of the Sea Fisheries Act 1968 is a British sea-fishery officer;

...

(2) In this Act “the appropriate Minister”, in relation to England and Wales, means the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, means the Secretary of State concerned with the sea fishing industry in Scotland, and “the Ministers”:

(a) Except in sections 1 and 9(1) and (4) of this Act means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland;

(b) In the said sections 1 and 9(1) means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Scotland;

(c) In the said section 9(4) means the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with the sea fishing industry in Scotland and the Ministry of Agriculture for Northern Ireland.

...

(c) SEA FISHERIES (SHELLFISH) ACT 1967,¹ AS AMENDED IN 1968²*Fisheries for shellfish*1. *Power to make orders as to fisheries for shellfish.*

(1) Subject to the provisions of this section, the appropriate Minister may, on an application made to him in accordance with subsection (2) of this section, by order provide for the establishment or improvement, and for the maintenance and regulation, of a fishery for shellfish or any one or more of the following descriptions, that is to say, oysters, mussels, cockles, clams and any other molluscs of a kind specified in regulations made by the appropriate Minister on any portion of the shore and bed of the sea, or of an estuary or tidal river, above or below, or partly above and partly below, low water mark and within so much of the exclusive fishery limits of the British Islands as is adjacent to Great Britain (which shore and bed are in this Act referred to as "the sea shore") and, if desirable, for the constitution of a board or body corporate for the purposes of the order.

(2) An application for an order under this section shall be made in such form and manner as may be prescribed by regulations made by the appropriate Minister; and the provisions of Schedule 1³ to this Act shall have effect in relation to the making of orders under this section.

(3) An order under this section may confer on such persons as may be specified in the order:

(a) A right of several fishery with respect to the whole of the area of the fishery to which the order relates, or

(b) A right of regulating a fishery with respect to the whole of that area, or

(c) A right of several fishery with respect to such part of that area as may be specified by or under the order and a right of regulating a fishery with respect to the remainder,

but shall not confer either right for a longer period at one time than sixty years.

...

2. *Effect of grant of right of several fishery*

(1) Where an order under section 1 of this Act confers a right of several fishery, then, subject to any restrictions and exceptions contained in the order and to section 12 of this Act, the grantees shall have within the limits of the fishery, or of that part of the fishery within which the right is exercisable, the exclusive right of depositing, propagating, dredging, fishing for and taking shellfish of any description to which the order applies, and in the exercise of that right may within those limits

(a) Make and maintain beds for such shellfish;

(b) At any season collect such shellfish and remove them from place to place and deposit them as and where the grantees think fit;

¹ 1967, Chapter 83; 27 October 1967.

² Amended by the Sea Fisheries Act 1968, *infra* (d).

³ The Schedule is not reproduced here.

(c) Do all other things which the grantees think proper for obtaining, storing and disposing of the produce of their fishery.

(2) In this section "the grantees" means the persons for the time being entitled to the right of several fishery conferred by the order under the said section 1.

3. *Effect of grant of right of regulating a fishery*

(1) Where an order under section 1 of this Act confers on the grantees a right of regulating a fishery for any specified description of shellfish and imposes restrictions on, or makes regulations respecting, the dredging, fishing for and taking of any specified description of shellfish within the limits of the regulated fishery, or of that part of the fishery within which the right is exercisable, or imposes tolls or royalties upon persons dredging, fishing for and taking any specified description of shellfish within the limits of that fishery or part, then, subject to any restrictions and exceptions contained in the order and to section 12 of this Act, the grantees shall have power to do all or any of the following things, namely:

(a) To carry into effect and enforce any such restrictions and regulations;

(b) To levy any such tolls or royalties;

(c) To provide for depositing and propagating shellfish of any description to which the order applies within those limits and for improving and cultivating the regulated fishery or regulated part, as the case may be.

...

4. *Licensing powers in case of regulated fishery*

(1) This section applies to an order made under section 1 of this Act, being an order which confers a right of regulating a fishery.

(2) The restrictions imposed by an order to which this section applies may include restrictions prohibiting all persons from dredging, fishing for or taking, within the limits of the fishery or of that part of the fishery within which the right is exercisable, shellfish of the description to which the order applies except under the authority of a licence issued in that behalf by the grantees.

(3) Any power to vary an order to which this section applies shall (without prejudice to the generality of that power) include power to vary the order so as to impose restrictions in accordance with subsection (2) of this section.

(4) Where an order to which this section applies (either as originally made or as varied) imposes any such restrictions, then, subject to the provisions of the order and of this section, licences may be issued under the order in such numbers and to such persons, and operative for such periods, and may authorise the dredging, fishing for or taking of shellfish at such times, in such manner and to such extent, as the grantees may determine.

(5) Where in pursuance of such an order the grantees propose to issue licences, they shall, unless they propose to issue licences to all such persons as may apply for them, notify the appropriate Minister of their intention; and the appropriate Minister may give directions to the grantees as to the exercise of their powers under subsection (4) of this section.

(6) If the grantees issue or withhold licences without complying with the requirements of subsection (5) of this section or of any directions given thereunder, then, for the purposes of section 5 of this Act (and without prejudice to the generality of that section) the grantees shall be taken not to be properly carrying into effect the restrictions imposed by the order; but no licence issued in contravention of any such requirements shall be invalid by reason only that it was so issued.

. . .

7. Protection of fisheries

(1) The provisions of this section shall have effect where

(a) An order under section 1 of this Act grants a right of several fishery, or

(b) A private oyster bed is owned by any person independently of this Act and is sufficiently marked out or sufficiently known as such.

(2) All shellfish of a description to which the order applies in or on a bed for such shellfish within the area of the fishery with respect to which the right of several fishery is conferred, or, as the case may be, all oysters in or on the private oyster bed, shall be the absolute property of the grantees or, as the case may be, of the owner of the bed and in all courts and for all purposes shall be deemed to be in the actual possession of the grantees or, as the case may be, owner.

(3) All such shellfish removed by any person from a bed for such shellfish within the area of the fishery with respect to which the right of several fishery is conferred, or, as the case may be, all oysters removed by any person from the private oyster bed, shall, unless sold in market overt or disposed of by or under the authority of the grantees or, as the case may be, of the owner of the bed, be the absolute property of the grantees or, as the case may be, of the owner, and in all courts and for all purposes the absolute right to the possession thereof shall be deemed to be in the grantees or, as the case may be, owner.

(4) Subject to subsection (5) of this section, if within the limits of the area of the fishery with respect to which the right of several fishery is conferred or in any part of that area described for the purposes of this subsection in the order, or within the limits of any such private oyster bed, any person other than the grantees or an agent or employee of theirs or, as the case may be, the owner or an agent or employee of his knowingly does any of the following things, namely:

(a) Uses any implement of fishing except:

(i) A line and hook; or

(ii) A net adapted solely for catching floating fish and so used as not to disturb or injure in any manner shellfish of the description in question or any bed therefor or the fishery therefor;

(b) Dredges for any ballast or other substance except under a lawful authority for improving the navigation;

(c) Deposits any ballast, rubbish or other substance;

(d) Places any implement, apparatus or thing prejudicial or likely to be prejudicial to any such shellfish, bed or fishery except for a lawful purpose of navigation or anchorage;

(e) Disturbs or injures in any manner, except for a lawful purpose of navigation or anchorage, any such shellfish, bed or fishery;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a first offence, £2 or, in the case of a second offence, £5, or, in the case of a third or subsequent offence, £10, and shall also be liable to make full compensation to the grantees or, as the case may be, owner for all damage sustained by them or him by reason of the unlawful act; and such compensation in default of payment may be recovered from him by the grantees or owner as the case may be by proceedings in any court of competent jurisdiction whether he has been prosecuted for or convicted of the offence in question or not.

(5) Nothing in subsection (4) of this section shall make it unlawful for any person to do any of the things therein mentioned

(a) In the case of a right of several fishery granted by an order under section 1 of this Act, if at the time of his doing that thing the limits of the area of the fishery within which that right is exercisable or of the part of that area described for the purposes of the said subsection (4) in the order are not sufficiently marked out in manner prescribed by or under the order or if notice of those limits has not been given to that person in manner so prescribed;

(b) In the case of a private oyster bed owned by any person independently of this Act, if the bed is not sufficiently marked out and known as such.

(6) In this section "the grantees" means the persons for the time being entitled to the right of several fishery conferred by the order under section 1 of this Act.

...

17. *Taking and sale of certain crabs and lobsters prohibited*

(1) Subject to subsection (2) of this section, any person who takes, has in his possession, sells, exposes for sale, buys for sale, or consigns to any person for the purpose of sale,

(a) Any edible crab carrying any spawn attached to the tail or other exterior part of the crab, or

(b) Any edible crab which has recently cast its shell,
shall be guilty of an offence.

(2) A person shall not be guilty of an offence under subsection (1) of this section if he satisfies the court that the edible crabs found in his possession or alleged to have been sold, exposed for sale, bought for sale, or consigned to any person for the purpose of sale, were intended for bait for fishing.

...

22. *Interpretation*

(1) In this Act "the Minister" means the Minister of Agriculture, Fisheries and Food and "the appropriate Minister", in relation to England and Wales, means the Minister and, in relation to Scotland, means the Secretary of State.

(2) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say

...
 "Shellfish" includes crustaceans and molluscs of any kind, and includes any part of a shellfish and any (or any part of any) brood, ware, half-ware or spat of shellfish, and any spawn of shellfish, and the shell, or any part of the shell, of a shellfish, and references in this Act to shellfish of any particular description shall be construed accordingly;
 ...

(d) SEA FISHERIES ACT 1968¹

Regulation of sea fishing operations

5. Regulation of conduct of fishing operations

(1) The Ministers may, for the purpose of giving effect to any convention for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provision with respect to the identification and marking of fishing boats and fishing gear.

(2) The provisions of any order under subsection (1) above shall, except as provided by the order, apply:

(a) To all British fishing boats, and things done by such boats and their crews, anywhere within the convention area to which the order relates; and

(b) To all foreign fishing boats, and things done by such boats and their crews, in waters which are within both the fishery limits of the British Islands and that convention area.

(3) The Ministers may by order make such provision as is mentioned in subsection (1) above with respect to foreign fishing boats which, in pursuance of an arrangement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, enter the fishery limits of the British Islands for the purpose of carrying on fishing operations or operations ancillary thereto, including provisions regulating the movement of those boats within those limits.

¹ 1968, Chapter 77; 18 December 1968. Most of the provisions, including all those reproduced here, were brought into operation on 24 November 1969 by the Sea Fisheries Act 1968 (Commencement No. 1) Order 1969 (*Statutory Instruments* 1969 No. 1551 (c. 42)).

By this Act a number of enactments were ordered to be repealed wholly or partly. These include, notably, the Sea Fisheries Act 1883 (partly reproduced in ST/LEG/SER.B/6, pp. 584-588) (the whole Act) and the Fishery Limits Act 1964 (partly reproduced in ST/LEG/SER.B/15, pp. 676-679 (Sections 1(2), 2 and 3(2) and (5)). The above-mentioned Order of 1969 exempted from being repealed on 24 November 1969 some of the provisions of these Acts, e.g., sections 1 to 5, 11, 14 to 22, 26, 28 and 31 of the former, and section 3(2) of the latter.

(4) Where a provision of an order under this section is not complied with in the case of a fishing boat or its crew, any person prescribed by the order in relation to that provision, being one or more of the following, that is to say the master, the owner, and the charterer, if any, shall be liable on summary conviction in the case of a first offence under this section to a fine not exceeding £200 and in the case of a second or subsequent offence thereunder to a fine not exceeding £400.

...

6. *Restriction on fishing within the fishery limits of the British Islands*

(1) A foreign fishing boat not registered in a country for the time being designated under the Fishery Limits Act¹ shall not enter the fishery limits of the British Islands except for a purpose recognised by international law, or by any convention for the time being in force between Her Majesty's Government in the United Kingdom and the government of the country to which the boat belongs; and any such boat which enters those limits

(a) Shall return outside those limits as soon as the purpose for which it entered them has been fulfilled; and

(b) Shall not fish or attempt to fish while within those limits.

(2) A foreign fishing boat registered as aforesaid shall not enter the exclusive fishery limits except for any such purpose as aforesaid and if it enters those limits

(a) Shall return outside them as soon as the purpose for which it entered them has been fulfilled; and

(b) Shall not fish or attempt to fish while within those limits.

(3) A foreign fishing boat so registered shall not fish or attempt to fish in the outer belt except in an area and for any description of fish for the time being designated under the Fishery Limits Act 1964 in relation to the country in which it is registered.

(4) The fishing gear of a foreign fishing boat which is prohibited by this section from fishing in any area within the fishery limits of the British Islands shall, while the boat is in that area, be stowed in accordance with an order² made by the Ministers, and if a fishing boat is prohibited by this section from fishing in an area for the time being designated as aforesaid for fish for the time being not so designated, all the fishing gear of the boat except that required by it for fishing for fish for the time being so designated shall, while the boat is in that area, be stowed as aforesaid.

(5) In the event of a contravention of this section in the case of a fishing boat

(a) The master of the boat shall be liable on summary conviction to a fine not exceeding £500; and

(b) The court may on convicting him of an offence under this section order the forfeiture of any fish or fishing gear found in the boat or taken or used by any person from the boat; and

¹ 1964, Chapter 72. Partly reproduced in ST/LEG/SER.B/15, pp. 676-679.

² See the Foreign Fishing Boats (Stowage of Gear) Order 1970, *infra* (i).

(c) Where the contravention takes place in Scotland, any fish or fishing gear forfeited under paragraph (b) above may be destroyed or otherwise disposed of as the court may direct.

(6) The foregoing provisions of this section shall not prohibit or restrict fishing by fishing boats registered in a country outside the United Kingdom in any area with respect to which special provision for fishing by such boats is made by any arrangement between Her Majesty's Government in the United Kingdom and the government of that country.

7. *Sea-fishery officers*

(1) The following persons shall be British sea-fishery officers for the purposes of the Sea Fisheries Acts, that is to say

(a) Officers of the sea-fishery inspectorates of each of the appropriate Ministers other than assistant fishery officers;

(b) Commissioned officers of any of Her Majesty's ships;

(c) Persons in command or charge of any aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force;

(d) Officers of the fishery protection service of the Secretary of State holding the rank of commander, first officer or second officer;

(e) Officers of Customs and Excise;

(f) The following members of the Coastguard, that is to say, inspectors, district officers and members in charge of coastguard stations;

(g) Other persons appointed as British sea-fishery officers by one of the appropriate Ministers.

(2) The appropriate Minister may appoint any person to exercise and perform the powers and duties of a British sea-fishery officer subject to such limitations as may be specified in the instrument appointing him; and for the purposes of the Sea Fisheries Acts a person so appointed shall be a British sea-fishery officer within those limitations, but not otherwise.

(4) In this Act, "foreign sea-fishery officer", in relation to any convention with respect to the conduct or safeguarding of fishing operations or operations ancillary thereto to which Her Majesty's Government in the United Kingdom is a party, means a person of any class specified in an order made by the Ministers, being a person appointed by the government of any other country which is a party to the convention to enforce its provisions or any other person having power under the laws of that other country to enforce those provisions.

(5) *In this section "the appropriate Minister" means:*

(a) In relation to England and Wales, the Minister of Agriculture, Fisheries and Food;

(b) In relation to Scotland, the Secretary of State; and

(c) In relation to Northern Ireland, the Ministry of Agriculture for Northern Ireland.

8. *General powers of British sea-fishery officers*

(1) For the purpose of enforcing the provisions of any order under section 5 above or of section 6 above or any order thereunder a British sea-fishery officer may exercise in relation to any fishing boat within the fishery limits of the British Islands and in relation to any British fishing boat anywhere outside those limits the powers conferred by subsections (2) to (4) below.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (1) above and, in particular,

(a) May examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and

(b) May require any person on board the boat to produce any documents relating to the boat or the persons on board which are in his custody or possession and may take copies of any such document.

(4) Where it appears to a British sea-fishery officer that a contravention of any provision of an order under section 5 above or of section 6 above or any order thereunder has at any time taken place within the fishery limits of the British Islands, he may take the boat in relation to which the contravention took place and the crew of the boat to the port which appears to him to be the nearest convenient port and detain the boat and the crew in the port until the completion of proceedings for the contravention.

(5) If it appears to a British sea-fishery officer that a British fishing boat or a fishing boat belonging to a country which is party to a convention to which Her Majesty's Government in the United Kingdom is a party is being so navigated or stationed as to interfere or be likely to interfere with fishing operations which are being carried on, or about to be carried on, within the fishery limits of the British Islands, he may require the boat to move away or to move in a direction or to a position specified by him.

(6) For the purpose of enforcing the collision regulations made under section 418 of the Merchant Shipping Act 1894,¹ so far as they apply to fishing boats, a British sea-fishery officer may exercise, in relation to any fishing boat within the fishery limits of the British Islands and in relation to a British fishing boat anywhere outside those limits, the powers conferred by section 723(1) of that Act (enforcement), whether or not he is mentioned in that subsection, and also the powers conferred by the foregoing provisions of this section, and section 723(2) of that Act so far as it relates to the former powers shall apply accordingly.

9. *Powers of sea fishery officers to enforce conventions*

(1) For the purpose of enforcing the provisions of any convention with respect to the conduct or safeguarding of fishing operations to which Her

¹ For the text of section 418, see ST/LEG/SER.B/6, p. 272.

Majesty's Government in the United Kingdom is a party a foreign sea-fishery officer may, in relation to a British fishing boat, and a British sea-fishery officer may, in relation to any foreign fishing boat, exercise anywhere within the convention area outside the fishery limits of the British Islands the powers conferred by section 8(2) and (3) above.

(2) Nothing in this section shall authorise a British or foreign sea-fishery officer to do anything not authorised by the convention he is purporting to enforce or authorise him to exercise in relation to a boat belonging to a country which is a party to the convention any power which the government of that country has informed the other parties to the convention is not to be exercised in relation to its fishing boats.

10. *Miscellaneous provisions as to sea-fishery officers*

(1) A British or foreign sea-fishery officer shall not be liable in any civil or criminal proceedings for anything done in purported exercise of the powers conferred on him by section 8 or 9 of this Act if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(2) Any person who on any fishing boat within the fishery limits of the British Islands, or on a British fishing boat anywhere outside those limits,

(a) Fails to comply with any requirement imposed, or to answer any question asked, by a British sea-fishery officer under section 8 or 9 of this Act;

(b) Prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such question; or

(c) Assaults any such officer while exercising any of the powers conferred on him by or by virtue of section 8 or 9 of this Act or obstructs any such officer in the exercise of any of those powers;

shall be guilty of an offence.

(3) Subsection (2) above shall apply in relation to things done on a British fishing boat anywhere within the convention area outside the fishery limits of the British Islands by or in relation to a foreign sea-fishery officer who is exercising powers to enforce the provisions of the convention relating to that area as it applies in relation to things done on any fishing boat within those limits by or in relation to a British sea-fishery officer.

(4) A person guilty of an offence under this section shall be liable on summary conviction in the case of a first offence thereunder to a fine not exceeding £200 and in the case of a second or subsequent offence thereunder to a fine not exceeding £400.

...

14. *Jurisdiction to try offences*

Proceedings for an offence under section 5, 6 or 10 of this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

...

(e) CONSERVATION OF SEALS ACT 1970¹

1. *Prohibited methods of killing seals*

(1) Subject to section 9(2) and section 10 of this Act, if any person

(a) Uses for the purpose of killing or taking any seal any poisonous substance; or

(b) Uses for the purpose of killing, injuring or taking any seal any firearm other than a rifle using ammunition having a muzzle energy of not less than 600 footpounds and a bullet weighing not less than 45 grains,

he shall be guilty of an offence.

(2) The Secretary of State may by order amend paragraph (b) of subsection (1) of this section by adding any firearm or ammunition to, or by altering the description of, or by substituting any other firearm or ammunition for, the firearm or ammunition mentioned in that subsection.

2. *Close seasons for seals*

(1) There shall be an annual close season for grey seals, that is to say seals of the species known as *Halichoerus grypus*, extending from 1st September to 31st December both inclusive and an annual close season for common seals, that is to say seals of the species known as *Phoca vitulina*, extending from 1st June to 31st August both inclusive.

(2) Subject to sections 9 and 10 of this Act, if any person wilfully kills, injures or takes a seal during the close season prescribed by subsection (1) of this section for seals of the species so killed, injured or taken he shall be guilty of an offence.

3. *Orders prohibiting killing seals*

(1) Where, after consultation with the [Natural Environment Research] Council, it appears to the Secretary of State necessary for the proper conservation of seals he may by order prohibit with respect to any area specified in the order the killing, injuring or taking of the seals of both or either of the species mentioned in section 2 of this Act.

(2) Subject to sections 9 and 10 of this Act, if any person wilfully kills, injures or takes a seal in contravention of an order made under subsection (1) of this section he shall be guilty of an offence.

4. *Apprehension of offenders and powers of search and seizure*

(1) A constable may stop any person he suspects with reasonable cause of committing an offence under this Act and may

(a) Without warrant arrest that person if he fails to give his name and address to the constable's satisfaction;

(b) Without warrant search any vehicle or boat which that person may be using at that time; and

(c) Seize any seal, seal skin, firearm, ammunition or poisonous substance which is liable to be forfeited under section 6 of this Act.

¹ 1970, Chapter 30; 29 May 1970. Came into force on 30 August 1970. This Act does not extend to Northern Ireland.

(2) A constable may sell or otherwise dispose of any seal seized under this section and the net proceeds of any sale shall be liable to forfeiture in the same manner as the seal sold:

Provided that no constable shall be subject to any liability on account of his neglect or failure in the exercise of the powers conferred on him by this subsection:

5. *Penalties*

(1) Any person guilty of an offence¹ under section 11 (7) of this Act shall be liable on summary conviction to a fine not exceeding £50.

(2) Any person guilty of any other offence under this Act shall be liable on summary conviction to a fine not exceeding £50 or, in the case of a second or subsequent conviction for such an offence, to a fine not exceeding £100.

6. *Forfeitures*

The court by which a person is convicted of an offence under this Act may order the forfeiture of any seal or seal skin in respect of which that offence was committed or of any seal, seal skin, firearm, ammunition or poisonous substance in his possession at the time of the offence.

...

8. *Attempt to commit offence*

(1) Any person who attempts to commit an offence under this Act shall be guilty of an offence.

(2) Any person who, for the purpose of committing an offence under this Act, has in his possession any poisonous substance or any firearm or ammunition the use of which is prohibited by section 1 (1) (b) of this Act shall be guilty of an offence.

9. *General exceptions*

(1) A person shall not be guilty of an offence under section 2 or 3 of this Act by reason only of

(a) The taking or attempted taking of any seal which had been disabled otherwise than by his act and was taken or to be taken solely for the purpose of tending it and releasing it when no longer disabled;

(b) The unavoidable killing or injuring of any seal as an incidental result of a lawful action;

(c) The killing or attempted killing of any seal to prevent it from causing damage to a fishing net or fishing tackle in his possession or in the possession of a person at whose request he killed or attempted to kill the seal, or to any fish for the time being in such fishing net, provided that at the time the seal was in the vicinity of such net or tackle.

(2) A person shall not be guilty of an offence under section 1, 2 or 3 of this Act by reason only of the killing of any seal which had been so seriously

¹ i.e., wilful obstruction to any person authorised by the Secretary of State exercising a power of entry upon land for obtaining information relating to seals, etc.

disabled otherwise than by his act that there was no reasonable chance of its recovering.

10. *Power to grant licences*

(1) A licence may be granted to any person by the Secretary of State authorising that person, notwithstanding anything in the foregoing provisions of this Act, but subject to compliance with any conditions specified in the licence,

(a) For scientific or educational purposes to kill or take within an area specified in the licence by any means so specified other than by the use of strychnine any number of seals so specified;

(b) For the purposes of any zoological gardens or collection specified in the licence to take within an area specified in the licence by any means so specified any number of seals so specified;

(c) For:

(i) The prevention of damage to fisheries;

(ii) The reduction of a population surplus of seals for management purposes; or

(iii) The use of population surplus of seals as a resource, to kill or take within any area specified in the licence by any means so specified other than by the use of strychnine any number of seals so specified.

...

17. *Area of application*

...

(2) Nothing done outside the seaward limits of the territorial waters adjacent to Great Britain shall constitute an offence under this Act.

...

(f) [FISHING BOATS (BELGIUM) DESIGNATION (AMENDMENT) ORDER 1967]¹

(g) [FISHING BOATS (FRANCE) DESIGNATION (AMENDMENT) ORDER 1967]²

¹ Dated 20 December 1967. *Statutory Instruments*, 1967, No. 1930. Came into operation on 1 January 1968. This Order removed as from 1 January 1968 the additional rights to fish for herring in part of the outer belt of the fishery limits of the British Islands conferred upon Belgian fishing boats by the Fishing Boats (Belgium) Designation (Amendment) Order 1966.

² Dated 20 December 1967. *Ibid.*, No. 1931. Came into operation on 1 January 1968. This Order removed as from 1 January 1968 the additional rights to fish for herring in part of the outer belt of the fishery limits of the British Islands conferred upon French fishing boats by the Fishing Boats (France) Designation (No. 2) Order 1965.

(h) FOREIGN SEA-FISHERY OFFICERS (NORTH-EAST ATLANTIC FISHERIES COMMISSION SCHEME) ORDER 1969¹

...

2. *Interpretation*

(1) In this Order:

“The Act” means the Sea Fisheries Act 1968;²

“The Commission” means the North-East Atlantic Fisheries Commission established under the Convention;

“The Convention” means the North-East Atlantic Fisheries Convention signed in London on 24th January 1959;³

“The Convention area” means the area to which the Convention applies, comprising the waters described in Part II of Schedule 1 to this Order;

“The Scheme” means the Scheme of Joint Enforcement of the Commission which is set out in Part I of Schedule 1 to this Order, being a Recommendation of the Commission which takes effect as an international arrangement by virtue of the agreement thereto of the member states of the Commission, subject to the Reservations mentioned in the said Part I of Schedule 1.

...

3. *Foreign Sea-Fishery Officers*

In relation to the Scheme there are hereby specified as foreign sea-fishery officers, entitled to exercise in relation to British fishing boats anywhere within the Convention area outside the fishery limits of the British Islands, the powers referred to in section 9 of the Act, officers of the countries referred to in Schedule 2 to this Order, who are duly appointed by the government of their respective countries as inspectors under the terms of the Scheme and who hold a document of identity in the form approved under the Scheme.

...

SCHEDULE 1

PART I. *Scheme of Joint Enforcement*

Recommendation

Pursuant to Article 13(3) of the Convention the commission recommends the establishment of the following arrangements for international control outside territorial waters and fishery limits for the purpose of ensuring the application of the Convention and the measures in force thereunder:

(1) Control shall be carried out by inspectors of the fishery control services of Contracting States. The names of the inspectors appointed for that purpose by their respective governments shall be notified to the Commission.

(2) Ships carrying inspectors shall fly a special flag or pennant approved by the Commission to indicate that the inspector is carrying out international inspection duties.

¹ Dated 17 December 1969. *Statutory Instruments* 1969 No. 1822. Came into operation on 1 January 1970.

² *Supra* (d).

³ United Nations, *Treaty Series*, vol. 486, p. 157. Reproduced in part in ST/LEG/SER.B/15, pp. 853-857.

The names of the ships so used for the time being, which may be either special inspection vessels or fishing vessels, shall be notified to the Commission.

(3) Each inspector shall carry a document of identity supplied by the authorities of the flag state in a form approved by the Commission and given him on appointment stating that he has authority to act under the arrangements approved by the Commission.

(4) Subject to the arrangement agreed under paragraph (9), a vessel of any Contracting State employed for the time being in fishing for sea fish or in the treatment of sea fish in the Convention area shall stop when given the appropriate signal in the International Code of Signals by a ship carrying an inspector unless actually fishing, shooting or hauling, in which case it shall stop immediately it has finished hauling. The master of the vessel shall permit the inspector, who may be accompanied by a witness, to board it. The master shall enable the inspector to make such examination of catch, nets or other gear and any relevant documents as the inspector deems necessary to verify the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned and the inspector may ask for any explanations that he deems necessary.

(5) On boarding the vessel an inspector shall produce the document described in (3) above. Inspections shall be made so that the vessel suffers the minimum interference and inconvenience. An inspector shall limit his enquiries to the ascertainment of the facts in relation to the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned. In making his examination an inspector may ask the master for any assistance he may require. He shall draw up a report of his inspection in a form approved by the Commission. He shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he may think suitable and must sign such observations. Copies of the report shall be given to the master of the vessel and to the Inspector's Government who shall transmit copies to the appropriate authorities of the flag state of the vessel and to the Commission. Where any infringement of the recommendations is discovered the inspector should where possible also inform the competent authorities of the flag state, as notified to the Commission, and any inspection ship of the flag state known to be in the vicinity.

(6) Resistance to an inspector or failure to comply with his directions shall be treated by the flag state of the vessel as if the inspector were an inspector of that state.

(7) Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in this recommendation but they shall remain under the operational control of their national authorities and shall be responsible to them.

(8) Contracting States shall consider and act on reports of foreign inspectors under these arrangements on the same basis as reports of national inspectors. The provisions of this paragraph shall not impose any obligation on a Contracting State to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting States shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

- (9) (i) Contracting States shall inform the Commission by 1st March each year of their provisional plans for participation in these arrangements in the following year and the Commission may make suggestions to Contracting States for the co-ordination of national operations in this field including the number of inspectors and ships carrying inspectors.
- (ii) The arrangements set out in this Recommendation and the plans for participation shall apply between Contracting States unless otherwise agreed between them; and such agreement shall be notified to the Commission: Provided, however, that implementation of the scheme shall be suspended

between any two Contracting States, if either of them has notified the Commission to that effect, pending completion of an agreement.

- (10) (i) When nets are inspected the meshes of the cod-end are to be examined with a flat gauge with parallel sides, a thickness of 2 mm. and the appropriate width made of any durable material that will retain its shape and constructed with a wedge-shaped section or sections have a taper of 2 cm. calibrated to measure the width of the meshes in which the section or sections are inserted. An illustration of such a gauge is appended.
- (ii) The appropriate width is the appropriate width prescribed in the Commission's recommendations for the type of net inspected and the area on which the inspection takes place which are in force in relation to the flag state of the vessel concerned.
- (iii) At least 20 consecutive meshes of the cod-end running parallel to its long axis, starting at least ten meshes from the lacings, are to be examined, or the maximum number if less than 20.
- (iv) The gauge should be inserted into the meshes when wet so as to measure the long axis of the mesh when stretched diagonally lengthwise. If the section of the gauge with parallel sides passes easily through a mesh it is not undersized. If the inspector has any doubt as to whether the gauge passes easily through, he shall insert the gauge in the mesh held horizontally and attach a weight of 5 kilogrammes to the gauge and if the section in the gauge with parallel sides passes through the mesh the mesh is not undersized.
- (v) The number of undersized meshes and the width of each mesh examined shall be entered in the inspector's report, together with the average width of the meshes examined.
- (vi) Inspectors shall have authority to inspect all nets other than those which are dry and stowed away below deck.

(11) The inspector shall affix an identification mark approved by the Commission, to any net which appears to have been used in contravention of the Commission's recommendations in force in relation to the flag state of the vessel concerned and shall record this fact in his report.

(12) The inspector may photograph the net in such a way that the identification mark and the measurement of the net is visible, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag state.

(13) The inspector shall so far as reasonably practicable examine the catch and may take such measurements as he deems necessary to establish whether and to what extent undersized fish of protected species are present in the part of the catch inspected. He shall report his findings including the number of fish measured and the size of any fish which are undersized to the authorities of the flag state of the inspected vessel as soon as possible.

RESERVATIONS

(a) As between the Union of Soviet Socialist Republics and other Contracting States the provisions of the Scheme relating to inspection of gear below deck and of catch do not apply.

(b) As between Poland and other Contracting States the provisions of the Scheme relating to inspection of gear or catch below deck do not apply.

(c) As between Sweden and other Contracting States the provisions of the Scheme relating to inspection of gear or catch below deck do not apply.

PART II. *Convention area*

All waters which are situated

(a) Within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding

- (i) The Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and
- (ii) The Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude.

(b) Within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

SCHEDULE 2

Foreign countries which are parties to the scheme¹

- | | |
|------------|--|
| 1. Belgium | 7. Portugal |
| 2. Denmark | 8. Spain |
| 3. France | 9. Sweden |
| 4. Iceland | 10. Union of Soviet Socialist
Republics |
| 5. Norway | |
| 6. Poland | |

(i) FOREIGN FISHING BOATS (STOWAGE OF GEAR) ORDER 1970²

...

3. *Stowage of Gear*

Where under section 6(4) of the Sea Fisheries Act 1968³ any fishing gear of a foreign fishing boat is required to be stowed while the boat is in any area within the fishery limits of the British Islands, such gear shall be stowed in accordance with the following provisions:

- (1) All such fishing gear shall be carried wholly inboard;
- (2) All nets and trawlboards and weights shall be disconnected from their towing or hauling wires or ropes;
- (3) All trawlboards and weights shall be secured at deck level or carried below deck;
- (4) All nets which are on deck or above deck shall be securely lashed to some part of the superstructure of the fishing boat.

...

¹ The Federal Republic of Germany and the Netherlands are subsequently added to the list by Foreign Sea-Fishery Officers (North-East Atlantic Fisheries Commission Scheme) Variation Order 1972, *Statutory Instruments* 1972, No. 758.

² Dated 29 February 1970. *Ibid.*, 1970, No. 318.

³ *Supra* (d).

(j) SEA FISH (NORTH-WEST ATLANTIC) ORDER 1970¹

...

2. *Interpretation*

(1) In this Order:

“Specified areas” means the areas described in the Schedule² to this Order;

“Specified method” means a method involving the use of trawl nets, seine nets or hooks and lines;

“Specified period” means in relation to the year 1970 the period from the date of coming into operation of this Order until 30th April and in relation to the years 1971 and 1972, the period from 1st March to 30th April all dates inclusive.

3. *Prohibition of fishing*

During the specified period the fishing for sea fish in the specified areas by a specified method is hereby prohibited.

4. *Powers of British Sea Fishery Officers*

For the purpose of enforcing the provisions of this Order a British Sea Fishery Officer may exercise in relation to any British fishing boat registered in the United Kingdom and any British owned fishing boat (not so registered) wherever it may be any of the following powers:

(a) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat;

(b) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose of enforcing the provisions of this Order and, in particular,

(i) May examine any fish on the boat and the equipment of the boat, including the fishing gear and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and

(ii) May require any person on board the boat to produce any document relating to the boat or the persons on board which are in his custody or possession and may take copies of any such document.

...

¹ Dated 5 March 1970. *Statutory Instruments* 1970 No. 353. Came into operation on 14 March 1970. This Order implements an agreement of the Commission established under the International Convention for the North-West Atlantic Fisheries.

² The Schedule is not reproduced here.

(k) SALMON AND MIGRATORY TROUT (PROHIBITION OF FISHING) ORDER
1971¹

3.

During the period 15th February 1971 to 14th February 1973, both days inclusive, fishing for salmon or migratory trout within the area of sea specified in part I of the Schedule to this Order (being part of the area to which the North-East Atlantic Fisheries Convention² applies) is hereby prohibited.

4.

(1) During the period from 15th February 1971 to 14th February 1973, both days inclusive, fishing for salmon or migratory trout by a specified method within the area of sea specified in Part II of the said Schedule is hereby prohibited.

(2) In this Article:

“Specified method” means a method of fishing with drift-net, trawl net, seine net, troll or long-line, but does not include beach seining or fishing from the shore by net and coble;

“Drift-net” means any length of net allowed to float or drift being either attached to or released from a fishing boat and not being a length of net attached to or held on the shore.

5. In accordance with the provisions of section 5 (3) of the Sea Fish (Conservation) Act 1967 it is hereby declared that this order is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in section 5(1) of that Act.

SCHEDULE

PART I

Those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie outside the fishery limits of the British Islands, north of 36° north latitude, between 42° west longitude and 51° east longitude and north of 59° north latitude between 44° west longitude and 42° west longitude, but excluding the Mediterranean and Baltic Seas and Belts lying to the south and east of lines drawn from Hasenore Head, Denmark, to Griben Point, Denmark, from Korshage, Denmark, to Spodsbjerg, Denmark and from Gilbjerg Head, Denmark, to Kullen, Sweden.

PART II

Those areas of sea within the fishery limits of the British Islands lying north of 54° 30' north latitude excluding

(a) The territorial waters of England except in so far as they lie within the mouth of the River Tweed;

(b) Waters, other than territorial waters mentioned in sub-paragraph (a) of this paragraph, lying on the east coast of England south of the southern boundary of the mouth of the River Tweed and of a line drawn due east from the eastmost point of that boundary;

¹ Dated 21 January 1971. *Statutory Instruments* 1971, No. 242. Came into Operation on 15 February 1971.

² United Nations, *Treaty Series*, vol. 486, p. 157. Reproduced in part in ST/LEG/SER.B/15, pp. 853-857.

(c) Waters within such part of the fishery limits of the British Islands as is mentioned in section 4 (2) of the Fishery Limits Act 1964.¹

(l) SALMON (NORTHWEST ATLANTIC) ORDER 1971²

...

2. *Prohibition*

Fishing for salmon in those waters of the Northwest Atlantic Ocean which are described in the Schedule³ to this order (being the waters to which the International Convention for the Northwest Atlantic Fisheries applies) is hereby prohibited.

...

(m) FOREIGN SEA-FISHERY OFFICERS (INTERNATIONAL COMMISSION FOR THE NORTHWEST ATLANTIC FISHERIES SCHEME) ORDER 1971⁴

...

2. *Interpretation*

(1) In this Order:

“The Act” means the Sea Fisheries Act 1968;⁵

“The Commission” means the International Commission for the Northwest Atlantic Fisheries established under the Convention;

“The Convention” means the International Convention for the Northwest Atlantic Fisheries signed in Washington on 8th February 1949;⁶

“The Convention area” means the area to which the Convention applies comprising the waters described in Part II of Schedule 1 to this Order;

“The Scheme” means the Scheme of Joint Enforcement of the Commission which is set out in Part 1 of Schedule 1 to this Order, being a Recommendation which has been adopted as a proposal by the Commission and which takes effect as an international arrangement by virtue of the agreement thereto of the member states of the Commission, subject to the Reservations mentioned in the said Part I of Schedule 1;

“Subarea” means an area, being one of the five subareas into which the Convention Area is divided, the boundaries of which are as defined in the Annex to the Convention;

...

¹ 1964, Chapter 72. Reproduced in part in ST/LEG/SER.B/15, pp. 676-679.

² Dated 2 February 1971. *Statutory Instruments* 1971, No. 171. Came into operation on 15 February 1971.

³ The Schedule is not reproduced here.

⁴ Dated 7 July 1971. *Statutory Instruments* 1971, No. 1103. Came into operation on 1 August 1971.

⁵ *Supra* (d).

⁶ United Nations, *Treaty Series*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838.

3. *Foreign Sea-Fishery Officers*

In relation to the Scheme there are hereby specified as foreign sea fishery officers, entitled to exercise in relation to British fishing boats anywhere within the Convention area outside the fishery limits of the British Islands, the powers referred to in section 9 of the Act, officers of the countries referred to in Schedule 2 to this Order, who are duly appointed by the government of their respective countries as inspectors under the terms of the Scheme and who hold a document of identity in the form approved under the Scheme.

...

SCHEDULE 1

PART I

Scheme of joint enforcement

Recommendation

That, pursuant to paragraph 5 of Article VIII of the Convention, the following arrangements be established, as from 1st July 1971, for international control outside national fishery limits for the purpose of ensuring the application of the Convention and the measures in force thereunder:

(1)-(3), (5)-(9), (11) and (12)

[Identical with (1)-(3), (5)-(9), (11) and (12) of the Scheme of Joint Enforcement of the North-east Atlantic Fisheries Commission,¹ except that the words "Contracting States" read "Contracting Governments" here.]

(4) Subject to the arrangements agreed under paragraph (9), a vessel employed for the time being in fishing for sea fish or in the treatment of sea fish in the Convention area shall stop when given the appropriate signal in the International Code of Signals by a ship carrying an inspector unless actually fishing, shooting or hauling, in which case it shall stop immediately it has finished hauling. The master of the vessel shall permit the inspector, who may be accompanied by a witness, to board it. The master shall enable the inspector to make such examination of catch, nets or other gear and any relevant documents as the inspector deems necessary to verify the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned and the inspector may ask for any explanations that he deems necessary.

...

(10) (i) Nets shall be inspected in accordance with the regulations in force for the subarea in which the inspection takes place. The number of undersized meshes and the width of each mesh examined shall be entered in the inspector's report, together with the average width of the meshes examined.

(ii) Inspectors shall have authority to inspect all nets.

...

(13) The inspector shall have authority, subject to any limitations imposed by the Commission, to carry out such examination and measurement of the catch as he deems necessary to establish whether the Commission's recommendations are being complied with. He shall report his findings to the authorities of the flag state of the inspected vessel as soon as possible.

¹ Incorporated in Schedule I of the Foreign Sea-Fishery Officers (North-east Atlantic Fisheries Commission Scheme) Order 1969, *supra* (h).

RESERVATIONS

(a) As between the Union of Soviet Socialist Republics and other Contracting Governments the provisions of the Scheme relating to inspection of gear below deck and of catch do not apply;

(b) As between Poland and other Contracting Governments the provisions of the Scheme relating to inspection of gear or catch below deck do not apply; and

(c) As between Romania and other Contracting Governments the provisions of the Scheme relating to inspection of gear below deck and of catch do not apply.

PART II

Convention area

All waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71° 40' west longitude; thence south to 39° north latitude; thence due east to 42° west longitude; thence due north to 59° north latitude; thence due west to 44° west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78° 10' north latitude; thence southwards to a point in 75° north latitude and 73° 30' west longitude; thence along a rhumb line to a point in 69° north latitude and 59° west longitude; thence due south to 61° north latitude; thence due west to 64° 30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait, thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

SCHEDULE 2

Foreign Countries which are parties to the Scheme¹

- | | |
|------------|--|
| 1. Denmark | 8. Portugal |
| 2. France | 9. Romania |
| 3. Iceland | 10. Spain |
| 4. Italy | 11. Union of Soviet Socialist
Republics |
| 5. Japan | 12. United States of America |
| 6. Norway | |
| 7. Poland | |

(n) FISHING NETS (NORTH-EAST ATLANTIC) ORDER 1971²4. *Areas in relation to which this Order has application*

This order has application in relation to those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie north of the parallel

¹ The Federal Republic of Germany is subsequently added to the list by Foreign Sea-Fishery Officers (International Commission for the Northwest Atlantic Fisheries Scheme) Variation Order 1972, *Statutory Instruments* 1972, No. 868.

² Dated 19 July 1971. *Ibid.*, 1971, No. 1171. Came into operation on 1 August 1971. By this Order, the Fishing Nets (North-East Atlantic) Order 1969 (*ibid.*, 1969, No. 1823) was revoked.

of 36° north latitude, between the meridians of 42° west longitude and 51° east longitude and north of 59° north latitude between 44° west longitude and 42° west longitude (but excluding the Mediterranean and Baltic Seas and Belts lying to the south and east of lines drawn from Hasenore Head, Denmark, to Griben Point, Denmark, from Korshage, Denmark, to Spodsbjerg, Denmark, and from Gilbjerg Head, Denmark, to Kullen, Sweden).

5. *Sizes of Mesh of Nets*

(1) Except as hereinafter provided there shall not be carried, in any British fishing boat registered in the United Kingdom for the purpose of fishing for sea-fish in any of the waters referred to in the first column of Schedule 1¹ to this Order, any net or part of a net of a type specified in the second column of Schedule 1 opposite the reference to the said waters unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick, and of a width specified in the third column of Schedule 1 opposite the reference to that type of net, will pass easily through the mesh whether the net is wet or dry.

(2) Except as hereinafter provided, there shall not be carried, by any foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom for the purpose of fishing for sea-fish in any of the waters in relation to which this Order has application, any net or part of a net of a type specified in the first column of Schedule 2 to this Order unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick, and of a width specified in the second column of Schedule 2 opposite the reference to that type of net, will pass easily through the mesh whether the net is wet or dry.

6. *Obstruction of nets*

(1) Except as hereinafter provided, there shall not be carried in

(a) Any British fishing boat registered in the United Kingdom, or

(b) Any foreign fishing boat in any waters adjacent to the United Kingdom, and within the fishery limits of the British Islands

for the purposes of fishing for sea-fish in any waters to which this Order has application, any net having a covering of canvas or other material attached to it, or in respect of which any artifice may have been employed in such a manner that the mesh in any part of the net is obstructed or otherwise diminished in effect.

(2) Nothing in this Order shall be deemed to prohibit the attachment to the underside of the cod-end of a net of any canvas, netting or other material for the purpose of preventing or reducing wear and tear.

...

¹ Schedule 1 is not reproduced here.

10. *Powers of British Sea-Fishery Officers*

For the purpose of the enforcement of the provisions of this Order there are hereby conferred on every British sea-fishery officer the powers of a British Sea-Fishery Officer under Section 8(2) of the Sea Fisheries Act 1968.¹

...

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
<i>Net</i>	<i>Appropriate width of gauge</i>
(1) Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal	70 millimetres
(2) Such part of any trawl net as is made of double twine and contains no manila or sisal	75 millimetres
(3) Such part of any trawl net as is made of manila or sisal	80 millimetres

(o) FISHING NETS (NORTHWEST ATLANTIC) ORDER 1971²

...

4. *Waters in relation to which this Order has application*

This Order has application in relation to those waters, except territorial waters, bounded by a line drawn due south from the coast of Rhode Island along 71° 40' west longitude to 39° north latitude; thence due east to 42° west longitude; thence due north to 59° north latitude; thence due west to 44° west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78° 10' north latitude; thence southward to a point in 75° north latitude and 73° 30' west longitude; thence along a rhumb line to a point in 69° north latitude and 59° west longitude; thence due south to 61° north latitude; thence due west to 64° 30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts and Rhode Island to the point of beginning; and which waters comprise the subareas 1 to 5 as defined for the purposes of this Order.

5. *Sizes of Mesh of Nets*

(1) Except as hereinafter provided, there shall not be carried in any British fishing boat registered in the United Kingdom any net or part of a net of

¹ *Supra* (d).

² Dated 20 July 1971, *Statutory Instruments* 1971 No. 1172. Came into operation on 1 August 1971. By this Order, the Fishing Nets (Northwest Atlantic) Order 1969 (*ibid.*, 1969 No. 628) was revoked.

a description specified in Column 2 of Schedule 1¹ to this Order for the purpose of fishing in any of the subareas forming part of the waters to which this Order has application and specified in Column 1 of the Schedule for fish of a description specified in relation to that subarea unless it has in all its parts meshes of such a size that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 mm. thick and of the width specified in Column 3 of the said Schedule 1 opposite to the reference to that description of net and that subarea, will pass easily through the mesh whether the net is wet or dry.

(2) For the purposes of the last foregoing paragraph the reference to fish of a description specified in relation to any subarea shall be construed as a reference to fish of a description specified in relation to that subarea in Schedule 2 to this Order.

6. *Obstruction of Nets*

(1) Except as hereinafter provided, there shall not be carried in any British fishing boat registered in the United Kingdom for the purpose of fishing in any of the subareas forming part of the waters to which this Order has application for fish of any description specified in Schedule 2¹ to this Order in relation to that subarea any net or part of a net having a covering of canvas or any other material attached to it or in respect of which any artifice may have been employed in such manner that the mesh in any part of the net is obstructed or otherwise diminished in effect.

(2) Nothing in this Order shall be deemed to prohibit the attachment to the underside of the cod-end of any net, of canvas, netting or other material for the purpose of preventing or reducing wear and tear.

9. *Enforcement*

For the purpose of the enforcement of the provisions of this Order there are hereby conferred on every British sea-fishery officer the powers of a British sea-fishery officer under section 8(2) and (3) of the Sea Fisheries Act 1968.²

(p) HERRING (CELTIC SEA) (PROHIBITION OF FISHING METHOD) ORDER
1971³

2. *Interpretation*

(1) In this Order

“Specified method” means a method of fishing involving the use of purse seine nets.

(2) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

¹ The Schedules are not reproduced here.

² *Supra* (d).

³ Dated 4 October 1971. *Statutory Instruments* 1971, No. 1623. Came into operation on 15 November 1971.

3. *Prohibition*

The fishing for herring by a specified method within the area of sea specified in the Schedule to this Order (being part of the area to which the North-East Atlantic Fisheries Convention¹ applies) is hereby prohibited.

...

SCHEDULE

AREA TO WHICH THE ORDER RELATES

The area of sea bounded by the parallels of 49°N and 52° 30'N latitude and the meridians of 5°W and 9°W longitude.

(g) SEA FISHERIES (SCOTLAND) BYELAW (NO. 85) 1971²

...

2. *Prohibition of Methods of fishing for herring in Firth of Clyde*

Except as hereinafter provided it shall not be lawful for any person to use for the purpose of catching herring any of the following methods of fishing, namely:

Beam trawling; otter trawling; pair trawling; drift netting; ring netting; trammel netting; purse seining; seining;

within that area of the sea lying inside a line drawn from Corsewall Point in the County of Wigtown to the Mull of Kintyre in the County of Argyll during the whole or any part of the period from 1st January to 31st March in any year occurring within the space of five years from the date of coming into operation of this Byelaw; and where any of the said methods of fishing is used for the purpose of catching sea fish other than herring within the said area during the whole or any part of the said period, any herring taken in such fishing shall be returned to the sea immediately after each haul of the net is completed:

Provided that nothing in this Byelaw shall apply in relation to the use within the said area for the purpose of catching herring of (1) any of the said methods of fishing, by a person in the service of the Secretary of State, or (2) any method of fishing specified in a written authority granted by the Secretary of State, by the person thereby authorised.

¹ United Nations, *Treaty Series*, vol. 486, p. 157. Reproduced in part in ST/LEG/SER.B/15, pp. 853-857.

² *Statutory Instruments* 1971, No. 2072 (S. 219), 1 November 1971. Came into operation on 17 December 1971.

(r) BEAM TRAWL REGULATION ORDER 1972¹

...

2.

(1) In this Order

“Beam trawl” means a net which is constructed to take fish whilst being towed along the sea-bed by a fishing boat, and which has its mouth extended by a beam, bar or other rigid device, and “beam” shall be construed accordingly;

“Effective length of beam” in relation to a beam trawl means the distance between the inner edge of the shoe or skid attached to one end of the beam and the corresponding part of the shoe or skid attached to the other end thereof, the measurement being taken at the most forward part of each shoe or skid which comes into contact with the sea-bed when the trawl is towed;

...

3.

(1) There shall not be carried in any British fishing boat registered in the United Kingdom for the purpose of fishing for sea fish in any waters adjacent to England, Wales or Northern Ireland and within the fishery limits of the British Islands any beam trawl whereof the effective length of beam exceeds 8 metres.

(2) There shall not be carried by any fishing boat registered in a country outside the United Kingdom or not registered in any country, in any waters adjacent to England, Wales or Northern Ireland and within the fishery limits of the British Islands, for the purpose of fishing for sea fish in those waters, any beam trawl whereof the effective length of beam exceeds 8 metres.

(3) Not more than one beam trawl shall be used from any fishing boat at any one time unless the aggregate effective length of beam of the trawls so used simultaneously does not exceed 8 metres.

...

(s) SEA FISHING (NORTH NORFOLK COAST) (PROHIBITION OF TRAWLING) ORDER 1972²

...

2. Interpretation

(1) In this Order “sea fish” does not include salmon or migratory trout.

...

3. Prohibition

During the period 1st May to 15th October, both dates inclusive, in every year commencing with the year 1973 the fishing for sea fish by trawling within the area of sea specified in the Schedule to this Order is hereby prohibited.

¹ Dated 13 January 1972. *Statutory Instruments* 1972; No. 23. Came into operation on 9 February 1972.

² Dated 3 November 1972. *Ibid.*, No. 1662. Came into operation on 1 May 1973.

4.

In accordance with section 5(3) of the Sea Fish (Conservation) Act 1967 it is hereby declared that this Order is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in section 5(1) of that Act.¹

...

SCHEDULE

The area of sea adjacent to England within the fishery limits of the British Islands but excluding the territorial waters thereof which is bounded on the west by the meridian of 0° 45' east longitude and on the east by the meridian of 1° 06' east longitude.

*BAHAMAS*FISHERIES ACT, 1969,² AS AMENDED IN 1969³

...

2. *Interpretation*

In this Act, unless the context otherwise requires

...

“Exclusive fishing zone” means the territorial waters of the Bahama Islands together with the zone contiguous to the said waters which was proclaimed as a fisheries zone for the Bahama Islands by proclamation made by the Governor and published in the *Gazette* on the 26th day of February, 1969;

...

“Protected area” means an area declared by the Minister to be a protected area under section 5;

...

5. *Power to declare protected areas*

(1) The Minister may by order declare any area of the waters within the exclusive fishing zone whether alone or together with any area of land adjacent to such waters to be a protected area for the purposes of this Act.

(2) Any order made under this section may prohibit the taking within the protected area of marine products, or of any marine products specified in the order, by any person otherwise than under the authority of and in accordance with the terms and conditions of a licence in that behalf granted to that person for the purpose.

(3) Any person who takes any marine product in a protected area in contravention of the provisions of any order made under this section in respect of such area or of any term or condition attached to a licence granted under

¹ *Supra* (b).

² No. 13 of 1969. Assented to on 28 May 1969.

³ Amended by the Fisheries (Amendment) Act, 1969 (No. 15 of 1969). The amendment relates only to Section 11, which is not reproduced here. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

such an order shall be guilty of an offence and liable upon summary conviction, subject to the provisions of section 15, to a fine not exceeding seven hundred and fifty dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(4) Where any person is found within a protected area in possession of any marine product the taking of which within that area is prohibited by an order made under this section he shall be deemed, until the contrary is proved, to have taken that marine product within that area.

6. *Taking, and certain methods of taking, marine products may be prohibited*

(1) The Minister may by order prohibit:

(a) The taking of any species or kind of marine product specified in the order (whether by reference to size or weight or otherwise) absolutely or during such period or periods as may be so specified;

(b) The taking of any marine product by any method specified in the order; and

(c) The use of any engine, dredge, trap or device for the purpose of taking any marine product, anywhere within the exclusive fishing zone and whether within a protected area or otherwise.

(2) Any person who takes any marine product in contravention of the provisions of an order made under this section, and the master or other person in charge of any vessel who suffers or permits the vessel or any person belonging to the vessel to be employed in so taking or to so take any marine product, shall each be guilty of an offence and, subject to the provisions of section 15, liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment, and the marine product so taken and any vessel used in such taking shall be liable to forfeiture.

...

8. *Foreign fishing boats*

(1) Subject to the provisions of this section and section 17, where any person on board a foreign fishing boat takes any marine product within the exclusive fishing zone then that person and also the master or other person in charge of the boat shall each be guilty of an offence and liable, upon summary conviction, subject to the provisions of section 15, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment, and in addition the boat used in such taking shall be liable to forfeiture.

(2) Where any marine product is found on board any foreign fishing boat within the exclusive fishing zone or where any marine product is landed, or placed in any cawl, from any foreign fishing boat at any creek, island or cay within the Bahama Islands, such marine product shall be deemed, until the contrary be proved, to have been taken within the exclusive fishing zone by a person on board such foreign fishing boat.

(3) Notwithstanding anything to the contrary, a taking by a person on board a foreign fishing boat shall be deemed not to be in contravention of subsection (1) of this section if such taking was made:

(a) For commercial or scientific research purposes under the authority of, and in accordance with the terms and conditions of, a licence in that behalf granted to the person operating the boat; or

(b) For sporting purposes, after the boat has first made entry in respect of the voyage on which it is engaged at a port of entry in the Bahama Islands.

(4) In this section and section 17 "foreign" in relation to a fishing boat means not *bona fide* owned by a British subject resident within the Bahama Islands.

9. Powers of seizure, arrest, etc.

(1) A fisheries inspector may at any time stop, go on board and search any fishing boat within the exclusive fishing zone, and if he has reason to suspect that any person on board such boat has contravened any of the provisions of this Act or of any rules made thereunder he may without summons, warrant or other process seize the boat and detain it and any person found on board.

(2) A fisheries inspector may at any time without summons, warrant or other process seize and detain any vessel or thing which is liable to forfeiture under this Act or which he has reasonable grounds to believe is so liable.

(3) Any fisheries inspector and any person whom he may call to his assistance may arrest and detain without warrant any person who such inspector has reason to suspect has committed or permitted any offence against this Act.

(4) Any person who resists or obstructs any fisheries inspector in the exercise of any of his powers conferred by this section shall be guilty of an offence and liable upon summary conviction to a fine not exceeding three hundred dollars, and such person may be detained by the fisheries inspector.

(5) Where any vessel or thing is seized or detained or any person is detained under this section by a fisheries inspector, the inspector shall take such vessel, thing or person as soon as may be to the nearest or most convenient place in the Bahama Islands and there deliver it or him into the custody of the most senior police officer.

...

17. Exemption for certain foreign fishing boats

(1) For the purpose of enabling fishing traditionally carried on in any area within the fisheries zone by foreign fishing boats to be continued, the Governor, subject to subsection (2) of this section, may by order designate any country outside the Bahama Islands and the area in which and descriptions of fish for which fishing boats registered in that country may fish.

(2) The Governor may exercise power under subsection (1) of this section in his discretion to such extent as he may think it necessary or expedient to do so for the purpose of the discharge of his responsibilities for any matters for which, under the Constitution, he is responsible in his discretion.

(3) Nothing in section 8 shall prohibit or restrict fishing by or from a foreign fishing boat in an area or for any description of fish designated by an order made under subsection (1) of this section in relation to a country so designated in which such fishing boat is registered.

...

BRITISH INDIAN OCEAN TERRITORY

FISHERY LIMITS ORDINANCE, 1971¹

...

2. *Interpretation*

In this Ordinance, unless the context otherwise requires

“Contiguous zone” means by zone contiguous to the territorial sea of the Territory which was established as a fisheries zone for the Territory by Proclamation No. 1 of 1969;

...

“Fishery limits” means the territorial sea of the Territory together with the contiguous zone;

...

“Foreign”, in relation to a fishing boat, means a fishing boat whose owner or one of whose owners is not resident in the Territory;

...

3. *Fishing from foreign fishing boats controlled in fishery limits*

(1) Subject to the provisions of this section and of section 4, where any person on board a foreign fishing boat takes any fish or marine product within the fishery limits, then that person and the person in charge of the boat and, if he is on board that boat, the owner shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and in addition the boat used in such taking shall be liable to forfeiture.

(2) Where any fish or marine product is found on board a foreign fishing boat within the fishery limits or where any fish or marine product is landed from a foreign fishing boat at any island within the Territory such fish or marine product shall be deemed until the contrary be proved to have been taken within the fishery limits by a person on board such foreign fishing boat.

(3) A taking by a person on board a foreign fishing boat shall be deemed not to be in contravention of subsection (1) of this section if such taking was made for commercial research, scientific research or sporting purposes under the authority and in accordance with the terms and conditions of a licence in that behalf granted by the Commissioner to the person who owns or operates the boat.

4. *Exemption for certain foreign fishing boats*

(1) For the purpose of enabling fishing traditionally carried on in any area within the contiguous zone by foreign fishing boats to be continued,

¹ Ordinance No. 2 of 1971; 17 April 1971. *Official Gazette*, 19 April, pp. 7-10.

the Commissioner may by order designate any country outside the Territory and the area in which and descriptions of fish or marine product for which fishing boats registered in that country may fish.

(2) Nothing in section 3 shall prohibit or restrict fishing by or from a foreign fishing boat in an area or for any description of fish or marine product designated by an order made under subsection (1) of this section in relation to a country so designated in which such fishing boat is registered.

5. *Powers of seizure, arrest and detention*

(1) A fisheries inspector and any person whom he may call to his assistance may at any time stop, go on board and search any fishing boat within the fishery limits, and if the fisheries inspector has reason to suspect that any person on board such boat has contravened any of the provisions of this Ordinance he may without warrant or other process seize the boat and detain any person found on board.

(2) A fisheries inspector and any person whom he may call to his assistance may arrest and detain without warrant any person who such inspector has reason to suspect has committed an offence against this Ordinance.

(3) Any person who assaults, resists or obstructs any fisheries inspector or any person whom he may call to his assistance in the exercise of any of the powers conferred by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

6. *Trial of offences*

(1) Where an offence against any of the provisions of this Ordinance is committed within the contiguous zone then, for the purposes of the jurisdiction of any court in the Territory or in Seychelles, that offence shall be deemed to have been committed in the Territory.

...

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION NO. 17 OF 1968 TO CONTROL THE CATCHING OF CRAYFISH (SPINY LOBSTERS)¹

...

2.

(1) No person shall in protected waters² catch:

(a) Any female crayfish carrying eggs between or attached to the abdominal swimmerets; or

(b) Any crayfish the total length of the carapace of which, measured from immediately behind the rostral horns to the rear edge of the carapace in the

¹ Dated 14 December 1968. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

² "Protected waters" is defined in Regulation 1, which is not reproduced here, by reference to certain nautical co-ordinates.

mid-line, is less than 2 1/2 inches or of which the total length, measured from immediately behind the rostral horns to the rear edge of the telson, is less than 8 inches.

(2) Without prejudice to the provisions of the immediately preceding subsection of this section no person shall in protected waters catch any crayfish between the 1st day of December of any year and the 28th day of February of the following year.

3.

(1) Any person who acts in contravention of the provisions of the immediately preceding section of this Regulation shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding one hundred pounds or its equivalent in francs at the current rate of exchange.

(2) Any person who knowingly sells or purchases any crayfish caught in contravention of the provisions of the immediately preceding section of this Regulation shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding two hundred pounds or its equivalent in francs at the current rate of exchange.

...

SEYCHELLES

FISHERY LIMITS ORDINANCE, 1971¹

...

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires

...

“Contiguous zone” means the zone contiguous to the territorial sea of Seychelles which was established as a fisheries zone for Seychelles by Proclamation No. 6 of 1969;

...

“Fishery limits” means the territorial sea of Seychelles together with the contiguous zone;

“Foreign”, in relation to a fishing boat, means a fishing boat whose owner or one of whose owners is not resident in Seychelles;

...

(2) For the purposes of the definition “foreign” in subsection (1) of this section, a company shall be deemed to be resident in Seychelles if, but only if, it was formed or incorporated under the laws of Seychelles or is registered under the Oversea Corporations Ordinance, 1959.

3. Fishing from foreign fishing boats controlled in fishery limits

(1) Subject to the provisions of this section and of section 4, where any person on board a foreign fishing boat takes any fish or marine product within

¹ No. 3 of 1971; 19 March 1971. Assented to by the Governor on 22 March 1971. *Supplement to Seychelles Gazette*, 22 March 1971, pp. 5-8.

the fishery limits, then that person and the person in charge of the boat and, if he is on board that boat, the owner shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and in addition the boat used in such taking shall be liable to forfeiture.

(2) Where any fish or marine product is found on board a foreign fishing boat within the fishery limits or where any fish or marine product is landed from a foreign fishing boat at any island within Seychelles such fish or marine product shall be deemed until the contrary be proved to have been taken within the fishery limits by a person on board such foreign fishing boat.

(3) A taking by a person on board a foreign fishing boat shall be deemed not to be in contravention of subsection (1) of this section if such taking was made for commercial research, scientific research or sporting purposes under the authority and in accordance with the terms and conditions of a licence in that behalf granted by the Minister to the person who owns or operates the boat.

4. Exemption for certain foreign fishing boats

(1) For the purpose of enabling fishing traditionally carried on in any area within the contiguous zone by foreign fishing boats to be continued, the Minister may by order designate any country outside Seychelles and the area in which and descriptions of fish or marine product for which fishing boats registered in that country may fish.

(2) Nothing in section 3 shall prohibit or restrict fishing by or from a foreign fishing boat in an area or for any description of fish or marine product designated by an order made under subsection (1) of this section in relation to a country so designated in which such fishing boat is registered.

5. Powers of seizure, arrest and detention

(1) A fisheries inspector and any person whom he may call to his assistance may at any time stop, go on board and search any fishing boat within the fishery limits, and if the fisheries inspector has reason to suspect that any person on board such boat has contravened any of the provisions of this Ordinance he may without warrant or other process seize the boat and detain any person found on board.

(2) A fisheries inspector and any person whom he may call to his assistance may arrest and detain without warrant any person who such inspector has reason to suspect has committed an offence against this Ordinance.

(3) Any person who assaults, resists or obstructs any fisheries inspector or any person whom he may call to his assistance in the exercise of any of the powers conferred by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

6. Trial of offences

(1) Where an offence against any of the provisions of this Ordinance is committed within the contiguous zone then, for the purposes of the jurisdiction

of any court in Seychelles, that offence shall be deemed to have been committed at the place in Seychelles where the offender is found or to which he is first brought after the commission of the offence.

...

TRISTAN DA CUNHA

FISHERY LIMITS, (TRISTAN DA CUNHA) ORDINANCE, 1968,¹ AS AMENDED IN 1970²

...

2. *Interpretation*

In this Ordinance

...

“Tristan da Cunha” means the Island of Tristan da Cunha, Gough Island, Nightingale Island and Inaccessible Island.

3. *Tristan da Cunha fishery limits*

For the purposes of the Tristan da Cunha Fish (Export) Ordinance, 1967, and notwithstanding anything contained in that Ordinance, there shall be included within the fishery limits of Tristan da Cunha a zone contiguous to the territorial waters thereof having for its inner boundary the outer limits of those territorial waters and as its seaward boundary a line drawn so that each point on the line is twelve nautical miles from the nearest point on the low-water line of the coast or any other base line from which the territorial waters aforesaid are measured; and, accordingly, the provisions of that Ordinance shall have effect in relation to taking fish within the zone specified as they have effect in relation to taking fish within the territorial waters of Tristan da Cunha.

...

5. *Power of sea fishery officers*

A sea fishery officer or any person authorized by him may exercise the following powers with respect to any fishing boat fishing within the fishery limits of Tristan da Cunha as defined by this Ordinance:

(a) He may go aboard the fishing boat;

(b) He may require the master, the crew or any of them to produce any certificate of registry, licence, official logbook, official paper, article of agreement, and any other document relating to the fishing boat, or to the crew or any member thereof, or to any person on board the fishing boat, which is in their respective possession or control on board the fishing boat;

(c) He may muster the crew of the fishing boat;

(d) He may require the master to appear and to give any explanation concerning the fishing boat and her crew, any person on board the fishing boat and any document mentioned in paragraph (b) of this section;

¹ No. 1 of 1968; 29 January 1968.

² Amended by the Fishery Limits (Tristan da Cunha) (Amendment) Ordinance, 1970 (No. 1 of 1970); 2 September 1970. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

(e) He may make any examination or enquiry which he deems necessary to ascertain whether any provision of the Tristan da Cunha Fish (Export) Ordinance, 1967 as modified by this Ordinance has been committed.

(f) In the case of any person who appears to him to have committed any such contravention, he may, without summons, warrant or other process, take the offender and the fishing boat to which he belongs and the crew thereof to the nearest and most convenient port, and bring him or them before a competent court, and detain him and them and the fishing boat in the port until the alleged contravention has been adjudicated upon.

6. *Protection of, and punishment for obstructing, sea fishery officers*

(2) If any person obstructs a sea fishery officer when acting in the exercise of his powers under this Ordinance, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, a sea fishery officer in pursuance of this Ordinance, such person shall be guilty of an offence and shall be liable on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

TURKS AND CAICOS ISLANDS

FISHERY LIMITS (TURKS AND CAICOS ISLANDS) ORDINANCE 1969¹

3. *Turks and Caicos Islands fishery limits*

For the purposes of the Fisheries Protection Ordinance,² there shall be included within the fishery limits of the Turks and Caicos Islands a zone contiguous to the territorial waters thereof having for its inner boundary the outer limits of those territorial waters and as its seaward boundary a line drawn so that each point on the line is twelve nautical miles from the nearest point of the low-water line of the coast or any other base line from which the breadth of those territorial waters is measured; and, accordingly, but subject to section 7 of this Ordinance, the provisions of those Ordinances shall have effect in relation to taking fish within the zone specified in this section as they have effect in relation to taking fish within the territorial waters of the Turks and Caicos Islands.

4. *Enforcement of Ordinances by fishery officers*

(1) The provisions of The Fisheries Protection Ordinance, as modified by this Ordinance, shall be enforced by fishery officers, and for that purpose a fishery officer shall have the powers set out in section 5 of this Ordinance.

¹ Ordinance No. 5 of 1969; 24 July 1969. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

² Cap. 78.

(2) The following persons shall be fishery officers, that is to say, every officer appointed in that behalf by the Administrator and every member of the police force authorised in that behalf by the Administrator.

5. Powers of fishery officers

A fishery officer may exercise the following powers with respect to any fishing boat fishing within the fishery limits of the Turks and Caicos Islands:

- (a) He may go on board the fishing boat;
- (b) He may require the master, the crew or any of them to produce any certificate of registry, licence, official logbook, official paper, article of agreement, and any other document relating to the fishing boat, or to the crew or any member thereof, or to any person on board the fishing boat, which is in their respective possession or control on board the fishing boat;
- (c) He may muster the crew of the fishing boat;
- (d) He may require the master to appear and to give any explanation concerning the fishing boat and her boat and her crew, any person on board the fishing boat, and any document mentioned in paragraph (b) of this section;
- (e) He may make any examination or enquiry which he deems necessary to ascertain whether any provision of the Fisheries Protection Ordinance as modified by this Ordinance has been committed;
- (f) In the case of any person who appears to him to have committed any such contravention, he may, without summons, warrant or other process, take the offender and the fishing boat to which he belongs and the crew thereof to the nearest and most convenient port, and bring him or them before a competent court, and detain him and them and the fishing boat in the port until the alleged contravention has been adjudicated upon.

6. Protection of and punishment for obstructing fishery officers

(1) No action shall lie against a fishery officer in respect of any act done or omitted to be done by him in the exercise of his powers under this Ordinance if there shall have been reasonable cause for such act or omission.

(2) If any person obstructs a fishery officer when acting in the exercise of his powers under this Ordinance, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by a fishery officer in pursuance of any provision of this Ordinance, such person shall be guilty of an offence and shall be liable, on summary conviction, to a fine of \$J 100, or to imprisonment for three months, or to both such fine and imprisonment.

7. Temporary concession

Nothing in section 3 of this Ordinance shall be deemed to prohibit or restrict, during a period of one year from the date of commencement of this Ordinance, taking fish within the zone specified in that section by a fishing boat of any country.

...

25. UNITED STATES OF AMERICA

(a) NORTHWEST ATLANTIC FISHERIES ACT OF 1950, AS AMENDED IN 1968¹

...

Paragraph 981. *Definitions*

When used in this chapter

(a) Convention: The word "convention" means the International Convention for the Northwest Atlantic Fisheries² signed at Washington under date of February 8, 1949, and amendments including the 1961 declaration of understanding and the 1963 protocol, as well as the convention signed at Washington under date of February 8, 1949.

(b) Commission: The word "Commission" means the International Commission for the Northwest Atlantic Fisheries provided for by article II of the convention.

...

Paragraph 988. *Unlawful activities*

(a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this chapter or of any order of a court issued pursuant to section 989 of this title, to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulations, or order, to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time.

(b) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this chapter.

Paragraph 989. *Penalties*

Any person violating any provision of this chapter or any regulation adopted pursuant to this chapter, upon conviction, shall be fined for a first offence not more than \$500 and for a subsequent offence committed within five years not more than \$1,000 and for such subsequent offence the court may order forfeited, in whole or in part, the fish taken by such person, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

Paragraph 990. *Arrests; enforcement officers; warrants and processes; searches and seizures; stay of execution; bond or stipulation*

(a) Any duly authorized enforcement officer or employee of the Fish and Wildlife Service of the Department of the Interior; any Coast Guard officer;

¹ *United States Code*, Title 16, Chapter 17. Amended by Public Law 90-420, 24 July 1968.

² United Nations, *Treaty Series*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838.

any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the convention, this chapter, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the convention or of this chapter, or of the regulations issued pursuant thereto and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of Title 18; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the convention or this chapter, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the convention, this chapter, or the regulations issued pursuant thereto shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. . . . Any person authorized to enforce the provisions of the convention, this chapter, or the regulations issued pursuant thereto may, except in the case of a first offence, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the convention or this chapter or to regulations issued pursuant thereto.

(b) ACT OF 20 MAY 1964 PROHIBITING FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES AND IN CERTAIN OTHER AREAS, AS AMENDED UP TO 1970¹

Paragraph 1081. *Prohibition against fishing in territorial waters; exceptions*

. . . It is unlawful for any vessel, except a vessel of the United States, or for any master or other person in charge of such a vessel, to engage in the fisheries within the territorial waters of the United States, its territories and possessions and the Commonwealth of Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or in such waters to engage in activities in support of a foreign fishery fleet or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States except as provided in this Act or as expressly provided by an international agreement to which the United States is a party. . . .

Paragraph 1082. *Violations and penalties; seizure, forfeiture, and condemnation*

(a) Any person violating the provisions of this chapter shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

(b) Every vessel employed in any manner in connection with a violation of this chapter including its tackle, apparel, furniture, appurtenances, cargo,

¹ The 1964 Act is reproduced in ST/LEG/SER.B/15, pp. 698-701. The amendments were made by Public Law 90-427, 26 July 1968 and Public Law 91-514, 27 October 1970. *United States Code* (1970 edition), Title 16, Chapter 21.

and stores shall be subject to forfeiture and all fish taken or retained in violation of this chapter or the monetary value thereof shall be forfeited. For the purposes of this Act, it shall be a rebuttable presumption that all fish found aboard a vessel seized in connection with such violation of this Act were taken or retained in violation of this Act.

(c) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

Paragraph 1083. *Enforcement responsibility*

(a) Joint responsibility of Secretaries

. . . Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating, and each such Secretary may, by agreement with any other Federal department or agency, utilize the equipment (including aircraft and vessels) of that department or agency to carry out such enforcement. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of any territory or possession of the United States to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

. . .

(c) REGULATIONS OF 5 MAY 1970 GOVERNING NORTH PACIFIC SALMON FISHERIES¹

Paragraph 210.1 *Definition*

(a) For the purpose of the regulations of this part the North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of 48° 30' north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend 3 miles seaward (1) from the coast, (2) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds, and entrances, and (3) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

(b) The exclusive waters adjacent to Alaska shall be those in which salmon net fishing is permitted under State of Alaska regulations. Federal salmon

¹ *Code of Federal Regulations*, Title 50, Chapter II, Part 210; *Federal Register*, vol. 35, 5 May 1970, p. 7070.

net fishing regulations in exclusive waters outside of State waters shall be the same as regulations promulgated by the State of Alaska for its citizens.

...

Paragraph 210.10 *Salmon fishing prohibited, exception*

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon with any net in the North Pacific area, as defined in this part: provided, that this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49° north.

(d) REGULATION OF 21 MAY 1970 PROHIBITING SALMON FISHING¹

PART 241

Salmon fisheries

Paragraph 241.1 *Salmon fishing prohibited*

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take Atlantic salmon, *Salmo salar* L., outside of the U.S. contiguous fishery zone in the Convention area² as described in Part 240.

(e) GROUND FISHERIES REGULATIONS OF 31 DECEMBER 1970³

Paragraph 240.1 *Meaning of terms*

When used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this section.

(a) Convention area:⁴

...

(b) Regulatory area: The term "Regulatory area" means and includes the whole of those portions of the convention area which are separately described as follows:

(1) Subarea 1⁵

...

(5) Subarea 5⁵

¹ *Code of Federal Regulations*, Title 50, Chapter II, Part 241; *Federal Register*, vol. 35, 21 May 1970, p. 7801.

² See 240.1 (a) of Groundfish Fisheries Regulations, *infra* (e).

³ *Code of Federal Regulations*, Title 50, Chapter II, Part 240; *Federal Register*, vol. 36, 6 January 1971, pp. 158-164.

⁴ The definition of "Convention area" repeats the one contained in Article 1 of the International Convention for the Northwest Atlantic Fisheries, reproduced in ST/LEG/SER.B/15, p. 832.

⁵ The definition of "Subarea 1" to "Subarea 5" repeats the one contained in the Annex to the International Convention for the Northwest Atlantic Fisheries, reproduced in ST/LEG/SER.B/15, p. 838.

(c) The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term regulated species is used it shall apply to those in this list.

(1) In Subarea 1:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Ocean perch (redfish) (*Sebastes*).
- (iv) Halibut (*Hippoglossus hippoglossus* (L.)).
- (v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
- (vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
- (vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) In Subarea 2:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Ocean perch (redfish) (*Sebastes*).
- (iv) Halibut (*Hippoglossus hippoglossus* (L.)).
- (v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
- (vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
- (vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) In Subarea 3:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) In aggregate: ocean perch (redfish) (*Sebastes*), except in the statistica Division 3N, 3O, and 3P halibut (*Hippoglossus hippoglossus* (L.)), grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)), Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)), pollock (saithe) (*Pollachius virens* (L.)), white hake (*Urophycis tenuis* (Mitch.)).

(4) In Subarea 4:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), black back or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(5) In Subarea 5:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Yellowtail Flounder (*Limanda ferruginea* (Storer)).

...

(h) Convention: The International Convention for the Northwest Atlantic Fisheries signed at Washington, February 8, 1949.¹

(i) Commission: The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

...

Paragraph 240.2 *Licence*

(a) The licence and the logbook referred to under paragraph 240.10 (b) shall be issued without fee by authorized officers of the Government of the United States.

(b) Unless permitted to do so by paragraph 240.5 no person shall engage in fishing for these species of fish mentioned in paragraph 240.1 (c) within the Convention area, nor shall any person possess, transport or deliver by means of any fishing vessel such species taken within such area except under a licence issued and in force in conformity with the provisions of this part.

(1) The owner or operator of a fishing vessel may obtain without charge a licence by furnishing, on a form to be supplied by the National Marine Fisheries Service, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the licence is desired. The form shall be submitted in duplicate to the Regional Director, National Marine Fisheries Service, Gloucester, Mass., who shall grant the licence for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the licence is issued. New licences shall similarly be issued to replace expired, lost or mutilated licences. An application for replacement of an expiring licence shall be made in like manner as the original application not later than 10 days prior to the expiration date of the expiring licence.

(2) The licence issued by the National Marine Fisheries Service shall be carried at all times on board the vessel for which it is issued and such licence, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

...

Paragraph 240.3 *Restrictions on fishing gear*

(a) Minimum mesh sizes:

(1) In Subarea 1, no person shall use or attempt to use from any vessel for which a licence is in force, a trawl net or nets, parts of nets, or netting of manila or of the trade-named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 5 1/8 inches (130 mm), or a trawl net or nets, parts of nets, or netting or material other than manila or polypropylene twine unless it shall have a selectivity equivalent to that of a 5 1/8-inch (130 mm) manila trawl net.

(2) In Subareas 2, 3, 4, and 5, no person shall use or attempt to use from any vessel for which a licence is in force a trawl net or nets, parts

¹ Reproduced in ST/LEG/SER.B/15, pp. 832-838.

of nets, or netting of manila or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section of less than 4 1/2 inches (114 mm) or a trawl net or nets, or netting of material other than manila or polypropylene twine unless it shall have a selectivity equivalent to that of a 4 1/2 inch (114 mm) manila trawl net. No person shall possess at any time on board a vessel for which a licence is in force a trawl net or nets, parts of nets, or netting having a mesh size less than that specified in this subparagraph for the appropriate fishery.

(3) Except as provided in subparagraph (4) of this paragraph, a minimum mesh size of 4 1/2 inches (114 mm) manila as specified in subparagraph (2) of this paragraph shall apply to persons engaged in the yellowtail flounder fishery.

(4) Beginning April 1, 1971, in Subarea 5 no person engaged in the yellowtail flounder fishery shall use or attempt to use from any vessel for which a licence is in force a cod end of manila or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section of less than 5 1/8 inches (130 mm). No person shall possess at any time on board a vessel for which a licence is in force a cod end having a mesh size less than that specified in this subparagraph.

...

Paragraph 240.4 *Temporary suspension of licences*

(a) The owner or operator of any fishing vessel which is proposed to be used in fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than those indicated in paragraph 240.1 (c) may obtain a temporary suspension of the licence issued for such vessel for the specified period during which such non-regulated fishing is to be conducted.

...

Paragraph 240.6 *Catch limits*

(a) An annual limitation is placed on the quantity of haddock permitted to be taken from Division 4X of Subarea 4 and Subarea 5 by the fishing vessels of all contracting governments participating in the fishery in each year during 1971 and 1972.

...

(b) An annual limitation of 29,000 metric tons (63,945,000 pounds) is placed on yellowtail flounder taken by fishing vessels of contracting governments in 1971.

...

Paragraph 240.7 *Open season*

(a) The open season for haddock fishing in Division 4X of Subarea 4, and Subarea 5 shall begin annually at 0001 hours of the 1st day of January and terminate at a time and a date to be determined and announced as provided in paragraph 240.8: provided, that the area described in paragraph 240.8 shall be closed to the use of gear capable of catching demersal species including any otter

trawl gear or similar devices, hook and line, or gill net, from 0001 hours, March 1, to 2400 hours April 30, during the years 1971 and 1972.

(b) The open season for yellowtail flounder fishing in Subarea 5 in 1971 shall begin at 0001 hours local time on the first day of January, April, July, and October, and terminate at a time and date to be determined. The Director of the National Marine Fisheries Service shall announce the time and date of each closure as provided in paragraph 240.8 (a) (4).

Paragraph 240.8 *Closed seasons and areas*

(b) It shall be unlawful for any fishing vessel to use, during the period from 0001 hours, March 1 to 2400 hours, April 30 in the years 1971, and 1972 fishing gear capable of catching demersal species, including any otter trawl gear or similar devices, hook and line, or gill net; in the following areas:

(1) Division 4X of Subarea 4. The area that lies between 42° 00' north latitude and 43° 00' north latitude and between 67° 00' west longitude and 64° 30' west longitude.

(2) Subarea 5, two areas bounded by lines connecting the following co-ordinates.

(i) 70° 00' west longitude, 42° 10' north latitude; 69° 10' west longitude, 41° 10' north latitude; 68° 30' west longitude, 41° 35' north latitude; 69° 20' west longitude, 42° 30' north latitude.

(ii) 67° 00' west longitude, 42° 20' north latitude; 67° 00' west longitude, 41° 15' north latitude; 65° 40' west longitude, 41° 15' north latitude; 65° 40' west longitude, 42° 00' north latitude; 66° 00' west longitude, 42° 20' north latitude.

(c) It shall be unlawful for any person to fish for or possess on board any fishing vessel red hake *Urophycis chuss* (Walb.) and silver hake, *Merluccius bilinearis* (Mitch.) during the period January 1 to March 31, 1971, and 1972, in the area bounded by the co-ordinates 69° 00' west longitude and 71° 40' west longitude and 39° 50' north latitude and 40° 20' north latitude: provided, that during this period vessels fishing for other species of fin fish, crustacea, or mollusks may take on each trip during which they fish in the said area red and silver hake in amounts not to exceed 10 percent each of the total catch by weight in the said area on each trip.

(f) WHALING REGULATIONS,¹ AS AMENDED IN 1971²

Paragraph 351.1 *Inspection*

(a) There shall be maintained on each factoryship at least two inspectors of whaling for the purpose of maintaining 24-hour inspection and also such observers as the member countries engaged in pelagic whaling may arrange

¹ *Code of Federal Register*, Title 50, Chapter III, Part 351. These are the regulations adopted by the International Whaling Commission.

² Amended by the Amendments of 3 March 1971 (*Federal Register*, vol. 36, 3 March 1971, p. 3970).

to place on each other's factoryships. These inspectors shall be appointed and paid by the Government having jurisdiction over the factoryship; provided, that inspectors need not be appointed to ships which, apart from the storage of products are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station. There shall be maintained such observers as the member countries having jurisdiction over land stations may arrange to place at each other's land stations.

Paragraph 351.2 Killing of gray or right whales prohibited

It is forbidden to take or kill gray whales or right whales, except by aborigines or a Contracting Government¹ on behalf of aborigines and only when the meat products of such whales are to be used exclusively for local consumption by the aborigines.

Paragraph 351.3 Killing of calves or suckling whales prohibited

It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

Paragraph 351.4 General restrictions on taking baleen whales

(a) (1) It is forbidden to kill blue whales in the North Atlantic Ocean for the 3 years ending on February 24, 1973.

(2) It is forbidden to kill or attempt to kill blue whales in the North Pacific Ocean and its dependent waters north of the Equator for 5 years beginning with the 1971 season.

(b) It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales in any of the following areas:

(1) In the waters north of 66° north latitude except that from 150° east longitude eastwards as far as 140° west longitude the taking or killing of baleen whales by a factoryship or whale catcher shall be permitted between 66° north latitude and 72° north latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° south latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° west longitude between 40° south latitude and 35° north latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° west longitude between 40° south latitude and 20° north latitude;

(5) In the Indian Ocean and its dependent waters north of 40° south latitude.

...

¹ "Contracting Government" means government of the party to the International Convention for the Regulation of Whaling, signed at Washington on December 2, 1946. United Nations, *Treaty Series*, vol. 161, p. 72.

Paragraph 351.6 *Limitations on the taking of humpback whales, blue whales, and sperm whales*

(a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on November 8, 1972. Notwithstanding this closed season, the taking of 10 humpback whales per year is permitted in Greenland waters: provided, that whale catchers of less than 50 gross register tonnage are used for this purpose.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of the Equator.

(c) It is forbidden to kill or attempt to kill blue whales in the waters south of the Equator.

(d) It is forbidden to kill or attempt to kill humpback whales in the North Pacific Ocean and its dependent waters north of the Equator for 3 years beginning with the 1971 season.

(e) It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° south latitude and 40° north latitude.

Paragraph 351.7 *Closed seasons for pelagic whaling for baleen and sperm whales*

(a) It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating baleen whales (excluding minke whales) in any waters south of 40° south latitude, except during the period from December 12, to April 7, following, both days inclusive.

(b) It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d), and (e) of this section.

(c) Each Contracting Government shall declare for all factoryships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed 8 months out of any period of 12 months during which the taking or killing of sperm whales by whale catchers may be permitted: provided, that a separate open season may be declared for each factoryship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factoryships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed 6 months out of any period of 12 months during which the taking or killing of minke whales by the whale catchers may be permitted: provided, that:

(1) A separate open season may be declared for each factoryship and the whale catchers attached thereto;

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factoryship or land station one continuous open season not to exceed 6 months out of any period of

12 months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this section one continuous open season not to exceed 8 months may be implemented so far as Greenland is concerned.

Paragraph 351.8 *Catch quota for baleen whales*

(a) The number of baleen whales taken during the open season caught in waters south of 40° south latitude by factory ships or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 2,700 blue whale units in 1969-70.

(b) For the purposes of paragraph (a) of this section, blue whale units shall be calculated on the basis that one blue whale equals:

- (1) Tow fin whales; or
- (2) Two and a half humpback whales; or
- (3) Six sei or Bryde's whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within 2 days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° south latitude by all factoryships or whale catchers attached thereto under the jurisdiction of each Contracting Government; provided, that when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 85 percent of whatever total catch limit is imposed by the Commission, notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data, provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factoryship and each Contracting Government of that date not less than 4 days in advance thereof. The taking or attempting to take baleen whales by factoryships or whale catchers attached thereto shall be illegal in any waters south of 40° south latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factoryship intending to engage in whaling operations in any waters south of 40° south latitude.

(f) The number of fin whales taken in the North Pacific Ocean and dependent waters excluding the catch in the East China Sea shall not exceed 1,308 whales, plus or minus 10 percent (10%) in 1971.

(g) The number of sei and Bryde's whales combined taken in the North Pacific Ocean and dependent waters shall not exceed 4,710 whales plus or minus 10 percent (10%) in 1971. The numbers taken in the succeeding few years shall be further adjusted on the basis of the latest scientific assessment, so that within a few years the catch shall be less than the estimate of the sustainable yield.

(h) The provisions regarding a 10 percent (10%) allowance for fin and sei (including Bryde's) whales in the North Pacific Ocean, and dependent waters shall be applied in such a way that if the catch of one species exceeds

the number given in subparagraph (f) or (g), the catch of the other species shall be less than the appropriate number by an equivalent amount.

Paragraph 351.9 *Minimum size limits*

(a) It is forbidden to take or kill any blue, sei, Bryde's, or humpback whales below the following lengths:

Blue Whales 70 feet (21.3 metres);

Sei and Bryde's whales 40 feet (12.2 metres);

Humpback whales 35 feet (10.7 metres);

except that blue whales of not less than 65 feet (19.8 metres) and sei and Bryde's whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations: provided, that except in the Northeast Pacific area for a period of 3 years starting April 1, the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere: provided, that except in the Northeast Pacific area for a period of 3 years starting April 1, 1971, in each case, the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

...

Paragraph 351.10 *Closed season for land stations*

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than 6 consecutive months in any period of 12 months and shall apply to all land stations under the jurisdiction of the Contracting Government: provided, that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed 8 continuous months in any one period of 12 months, during which the taking or killing of sperm whales by the whale catchers

shall be permitted, such period of 8 months to include the whole of the period of 6 months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section: provided, that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed 6 continuous months in any period of 12 months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): provided, that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open season declared by the same Contracting Government to exceed 9 continuous months of any 12 months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factoryships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 351.17.

Paragraph 351.11 Use of factoryships in waters other than south of 40° south latitude

It is forbidden to use a factoryship which has been used during a season in any waters south of 40° south latitude for the purpose of treating baleen whales apart from minke whales, in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of 1 year from the termination of that season: provided, that this section shall not apply to a ship which has been used during the season provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraph 351.8 paragraphs (f), (g) and (h) solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

...

(g) WHALING PROVISIONS,¹ AS AMENDED IN 1971²

...

Paragraph 230.10 *Licences required to engage in whaling*

(a) No person shall engage in the taking or processing of any whales without first having obtained an appropriate licence.

(b) No licence shall be issued after December 31, 1971, for any species of whales appearing on the Endangered Species List, Part 17 of this title, Appendix A.

...

*Closed seasons*Paragraph 230.20 *Whale catchers attached to land stations taking baleen whales*

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing any baleen whales except during the period April 15 to October 15, both days inclusive: provided, that it is forbidden to kill or attempt to kill blue whales, by any means, in the following areas:

(1) The North Atlantic Ocean for 3 years ending on February 24, 1973.

(2) The North Pacific Ocean and its dependent waters north of the Equator for 5 years beginning with the 1971 season.

(3) In the waters south of the Equator: *Provided further*, That it is forbidden to kill or attempt to kill humpback whales, by any means, in the following areas:

(4) In the North Atlantic Ocean for a period ending on November 8, 1972.

(5) In the North Pacific Ocean and its dependent waters north of the Equator for 3 years beginning with the 1971 season.

Paragraph 230.21 *Whale catchers attached to land stations taking sperm whales*

It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing sperm whales except during the period April 1, to November 30 following, both days inclusive.

Paragraph 230.22 *Whale catchers attached to factoryships taking sperm whales*

It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° south latitude and 40° north latitude. For all other waters, it is forbidden to use factoryships or whale catchers attached thereto for the purpose of taking or treating sperm whales except during the period April 15 to December 15 following both days inclusive.

...

¹ *Code of Federal Regulations*, Title 50, Chapter II, Part 230.

² Amended by the Amendments of 20 April 1971 (*Federal Register*, vol. 36, 20 April 1971, p. 7431.)

Catch quotas

Paragraph 230.25 *Fin and sei whale quotas for the North Pacific*

Beginning with the 1971 season for taking baleen whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 40 fin whales and 51 sei whales from the waters of the North Pacific Ocean. The fin whale quota may be converted to sei and Bryde's whales combined, or vice versa, in terms of the formula as defined in paragraph 8 (b) of the Schedule of the Convention: provided, that the total catch of one or the other species does not exceed the level which is 10 percent (10%) above the quota for each species as prescribed above.

Paragraph 230.6 *Sperm whale quota for the North Pacific Ocean*

Beginning with the 1971 season for taking sperm whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 75 sperm whales from the waters of the North Pacific Ocean and dependent waters.

...

Records and Reports

Paragraph 230.30 *Records to be maintained on whale catchers*

There shall be maintained on each whale catcher a suitable log book or other record in which shall be recorded the following information, and such record shall be available for inspection by any person authorized by law or by this part to act as an inspector or enforcement officer, who shall be permitted to abstract therefrom such information as may be needed by the U.S. Government:

- (a) The date and hour of the killing or capture of each whale;
- (b) The point in latitude and longitude where each whale was killed or captured;
- (c) The species of each whale killed or captured;
- (d) The time of delivery of each whale to the land station or factoryship;
- (e) Data specified under paragraphs (a), (b), and (c) of this section for each whale killed and later lost, or for some other reason not delivered to a factoryship or land station for processing, with an account of the circumstances surrounding such loss or nondelivery; and
- (f) Any observations on migration of whales and on location of calving grounds.

Paragraph 230.31 *Records to be maintained on factoryships and at land stations*

(a) There shall be maintained in duplicate on board each factoryship and at each land station a detailed record of all whales received and processed as follows:

- (1) Serial number of the whale (begin with number 1 on January 1 of each year).
- (2) Species of the whale.

(3) Date and time killed and date and time received by the factoryship or land station.

(4) Sex of the whale.

(5) Length of the whale. (Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g., 76 feet 6 inches precisely shall be logged at 77 feet.)

(6) Sex of fetus if present.

(7) Length of fetus in feet and inches.

(8) A description of the stomach contents of the whale.

(9) Name of whale catcher which took the whale.

(10) Name of gunner who killed the whale.

(11) The exact location in which the whale was taken, stated in degrees and minutes of latitude and longitude.

(12) Under "Remarks" enter, if the whale is a female, whether lactating or milk-filled as well as abnormalities or peculiarities concerning the whale and the character and quantity of any portion of the whale transferred to a secondary processing plant.

(b) Each sheet of such reports shall be verified or approved by a person authorized by law or by this part to act as inspector or enforcement officer, and the said duplicate reports for each calendar year shall be submitted to the Director, Bureau of Commercial Fisheries, Department of the Interior, . . .

. . .

Salvage of unclaimed whales

Paragraph 230.40 No processing licence required

No licence shall be required for the salvage and processing of any "dauhval" or dead whale found upon a beach or stranded in shallow water, or of any unclaimed dead whale found floating at sea.

Paragraph 230.41 Reporting of salvage of dead whales required

(a) Any person or persons salvaging and/or processing any dead whale of any of the species enumerated in paragraph 230.5 shall submit a report in writing to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, no later than within 30 days after the end of the then current calendar year.

(b) Such report shall show the date and exact locality in which such dead whale was found, its species and length, the disposition made of the whale, the firm utilizing or processing it, the products derived therefrom, and any other relevant facts.

...

Molesting or unauthorized interference with whales

Paragraph 230.50 *Molesting of whales prohibited*

The chasing, molesting, exciting, or interfering with, through the use of firearms or by any other manner or means, of any whale of the species listed in paragraph 230.5 or of any other species protected by the provisions of the International Convention for the Regulation of Whaling of 1946, except for the purpose of hunting, killing, taking, towing, holding on to or scouting for whales in accordance with the provisions of the Convention, the regulations of the International Whaling Commission, and the regulations in this part, is prohibited. Persons violating this section shall upon arrest and conviction, be subject to the penalties imposed by the Whaling Convention Act of 1949.

...

(h) REGULATIONS OF 4 MAY 1971 GOVERNING THE EASTERN PACIFIC
YELLOWFIN TUNA FISHERIES¹

Paragraph 280.1 *Definitions*

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

...

(b) "Convention": The Convention for the Establishment of an Inter-American Tropical Tuna Commission,² signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.C. 230).

(c) "Commission": The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) "Director of Investigations": The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, Calif.

(e) "Service Director": The Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(f) "Regional Director": The Regional Director, Southwest Region, National Marine Fisheries Service, . . .

(g) "Regulatory area": All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point

¹ *Code of Federal Regulations*, Title 50, Chapter II, Part 280; *Federal Register*, vol. 36, 7 May 1971, pp. 8515-8519.

² United Nations, *Treaty Series*, vol. 80, p. 3.

on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast.

...

(m) "Open season": The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing voyage. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to local time in the area affected.

(n) "Closed season": The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for species with which yellowfin tuna may be mingled as defined in paragraph 280.2 (b) (3).

...

Paragraph 280.3 *Catch limits*

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of Commerce of the recommended catch limit, announcement of the catch limit thus established shall be made by the Service Director through publication of a suitable notice in the *Federal Register*. The Service Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

Paragraph 280.4 *Open season*

The open season for yellowfin tuna fishing shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in paragraph 280.5

Paragraph 280.5 *Closed season*

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deemed that the yellowfin fishing season should close and will promptly notify the service Director of such date. The Service Director shall then announce the season closure date thus established by publication in the *Federal Register*. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined had been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

Paragraph 280.6 *Restrictions applicable to fishing vessels*

(a) Except as provided in paragraphs (b), (c), and (e) of this section, after the date determined and announced in the manner provided in paragraph 280.5 for the closing of the yellowfin tuna fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to land yellowfin tuna in any port or place until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

. . .
