

Lov 17. juni 1966 nr. 19

Lovens tittel:

Lov om fiskerigrense og om forbud mot at utlendinger driver fiske m.f. innenfor fiskerigrensen.

Lovens fulle tittel og evt. korttittel på engelsk:

Act relating to Norway's fishery limit and to the prohibition against fishing etc. by foreign nationals within the fishery limit

Opplysninger om når loven sist ble endret:

1.10.1994

Dato for oversettelsen:

Mars 1996

Institusjonen som er ansvarlig for oversettelsen:

Utenriksdepartementet

Eventuelle bemerkninger:

ACT RELATING TO NORWAY'S FISHERY LIMIT AND TO THE PROHIBITION AGAINST FISHING ETC BY FOREIGN NATIONALS WITHIN THE FISHERY LIMIT

Section 1

The fishery limit off Norway and Jan Mayen shall run at a distance of 12 nautical miles (one nautical mile is equal to 1852 metres) outside and parallel to the baselines prescribed by the King at any given time.

Section 2

For the purpose of this Act, the following persons are considered to be on an equal footing with Norwegian nationals:

1. persons who are resident in Norway,
2. limited companies and other organizational forms with limited liability, if the head office and the seat of the board are in Norway, and the board consists of Norwegian nationals who are resident in the realm and are shareholders or unit holders, and at least six tenths of the share capital or limited partnership capital is owned by Norwegian nationals,
3. the state, facilities and funds administered by the state, and Norwegian municipalities.

The King may in special cases permit limited companies and other organizational forms with limited liability which do not satisfy the conditions set out in item 2 of the preceding paragraph, and which are engaged in fish processing in accordance with licences granted pursuant to the Act of 14 December 1917 relating to the acquisition of waterfalls, mines and other real property, etc (the Industrial Concession Act), to engage in activities which pursuant to this Act are reserved for the persons and enterprises mentioned in the preceding paragraph. Such a licence may only cover activities that are naturally related to the company's processing plant in Norway. If the public interest so requires, special conditions may be attached to the licence.

For the purpose of this Act, the term Norwegian vessel, of sections 1, 2, 3 and 4 of the Maritime Act, is also considered to include vessels owned by persons resident in Norway if the maximum length of the vessel is less than 15 metres.

For the purpose of this Act, fishing gear is considered to be Norwegian if the owner is a Norwegian national or on an equal footing with Norwegian nationals pursuant to the first paragraph.

Section 3

It is prohibited for any person who is not a Norwegian national or on an equal footing with Norwegian nationals (cf section 2) to engage in fishing, whaling or sealing inside the Norwegian fishery limit. It is prohibited to use any vessel or gear which is not Norwegian (cf section 2) for fishing, whaling or sealing inside the fishery limit, or to use foreign nationals as crew members or sharesmen to a greater extent than that permitted pursuant to the second paragraph.

Crew members or sharesmen who are not Norwegian nationals or resident in Norway may be used during lawful fishing, whaling and sealing operations provided that at least half of the crew members or sharesmen and the master of the vessel are Norwegian nationals or resident in Norway.

The prohibitions of the first paragraph do not apply to fishing for sports fishing using hand gear. The sale of the catch is prohibited. The Ministry may issue regulations prescribing what is to be regarded as hand gear.

Section 4

When the trial operation of new types of vessels or gear or other special reasons so indicate, the Ministry may permit any person who is a Norwegian national or on an equal footing with Norwegian nationals to engage in fishing, whaling or sealing operations inside the Norwegian fishery limit using vessels or gear that are not Norwegian (cf section 2) on a specific occasion or for a specified short period of time, or to use foreign nationals as crew members or sharesmen to a greater extent than that permitted by the second paragraph of section 3.

Section 5

Inside the fishery limit, it is prohibited for any person who is not a Norwegian national or on an equal footing with Norwegian nationals (cf section 2) to engage in processing, packing or transshipment of fish, crustaceans and molluscs or parts or products of such species. This prohibition applies to catches from both Norwegian and foreign vessels.

The prohibition of the first paragraph does not apply to catches taken during fishing for sport fishing in accordance with the third paragraph of section 3, or taken in accordance with licences issued pursuant to section 4.

The Ministry may grant exemptions from the prohibition of the first paragraph in the event of shipwreck, etc. For fish caught by Norwegian vessels, the Ministry may grant exemptions from the prohibition if this is appropriate on the basis of market conditions and considerations of production at onshore processing plants do not indicate that this should not be done. Permission pursuant to the second sentence may only be given in individual cases, for specified fish species and for a specified period of a fishing season.

Section 6

In special cases, the King may grant exemptions from the provisions of the first paragraph of section 3 and the first paragraph of section 5 for specified areas inside the fishery limit.

With effect for areas where such exemptions have been granted, the King may prescribe that fishing operations which are permitted according to the first paragraph shall be partly or completely exempted from Norwegian legislation.

Section 7

If it is necessary for the implementation of an agreement with a foreign state, the King may provide:

1. that the Norwegian fisheries inspection authorities shall be authorized to control compliance with the agreed rules for the fisheries,
2. that, outside the fishery limit, foreign fisheries inspection authorities shall be authorized to control that Norwegian vessels comply with the agreed rules for the fisheries.

Section 8

The King may prohibit landing from the fishing grounds of fish, crustaceans and molluscs or parts or products of such species caught by vessels which are not Norwegian (cf section 2), or by vessels which are not managed by a Norwegian national or a person who is on an equal footing with Norwegian nationals (cf section 2), if:

- a. such landing is likely to be detrimental to favourable, stable price and market conditions in first-hand sales or subsequent sales and export. Such a prohibition may be limited to specified areas or fish species,
- b. the catch consists of fish from fish stocks of mutual interest to Norway and other states which are not subject to agreed stock regulation measures or which are subject to Norwegian regulatory measures, or
- c. the catch was taken in contravention of a desired harvesting pattern, may result in reasonable total quotas of the fish species in question being exceeded, or is in contravention of international agreements.

Any organizations involved shall as far as possible be consulted before a prohibition is laid down pursuant to *litra a* of the first paragraph.

The Ministry may by regulations require the owner or user of a vessel such as mentioned in the first paragraph, which is in waters under Norwegian fisheries jurisdiction, to submit reports to the fisheries administration and to sales organizations concerning catches on board and the vessel's fishing operations in waters outside Norwegian fisheries jurisdiction, if the vessel is to deliver catches in Norway. The vessel may also be required to provide information connected with delivery of the catch.

Section 45 of Act No. 40 of 3 June 1983 relating to sea-water fisheries applies correspondingly.

Section 9

(Repealed by Act No. 124 of 4 December 1992.)

Section 10

Any person who wilfully or negligently contravenes this Act or any provisions issued pursuant thereto is liable to a fine. Complicity in such contravention or an attempt is subject to the same penalty.

If the offender has previously been sentenced or convicted pursuant to this Act or corresponding older legislation, or under particularly aggravating circumstances, fines or imprisonment for a term not exceeding three months, or both, may be imposed.

Section 11

In the case of contravention of sections 3, 5, 8 and 9, the vessel used for the purpose and its fittings, and any catches and gear on board may be confiscated, irrespective of who the owner is. In lieu of the objects, their value may be confiscated wholly or in part from the offender or from the person on whose behalf he has acted or from the owner. It may be decided that mortgages on or other rights to objects which are confiscated shall lapse wholly or in part.

If confiscation pursuant to the second paragraph is prescribed, the provisions of section 37c of the Penal Code apply correspondingly.

Section 12

This Act enters into force from the date decided by the King.

The King may decide that during a transitional period, the fishery limit for specified stretches of the coastline shall run at a distance of less than 12 nautical miles from the coastline, and may issue further provisions determining where the temporary fishery limit shall be drawn.

With the entry into force of this Act, the following legislation is repealed:

1. the Act of 2 June 1906 relating to the prohibition against fishing etc by foreign nationals within the fishery limit,
2. the Act of 13 April 1951 supplementing the Act of 2 June 1903 relating to the prohibition against fishing etc by foreign nationals within the fishery limit,
3. section 4 of the Act of 20 April 1951 relating to fishing with trawls,
4. sections 1, 2, 3, and 5 of the Act of 24 March 1961 relating to Norway's fishery limit.

Any provisions laid down pursuant to the above Acts shall continue to apply until they are repealed or superseded by provision laid down pursuant to this Act.