

# ACT OF 3 JUNE 1983 NO. 40 RELATING TO SEA-WATER FISHERIES, ETC.

## CHAPTER I SCOPE OF THE ACT

### § 1 Territorial scope of the Act

In respect of Norwegian nationals and persons resident in Norway, this Act shall be applicable:

- a) in waters under Norwegian jurisdiction,
- b) in waters outside any national fisheries jurisdiction if fishing or hunting is being conducted using a Norwegian vessel,
- c) in waters under the fisheries jurisdiction of a foreign state if fishing or hunting is being conducted using a Norwegian vessel, but only as regards Chapters II, III, X and section 24. The King may decide that other parts of the Act shall also apply to Norwegian vessels in such waters.

Pursuant to this Act, the following persons are considered to be on an equal footing with Norwegian nationals or persons resident in Norway:

- a) limited liability companies and other companies with limited liability, if the head office and the seat of the board are in Norway,
- b) the state, facilities and funds administered by the state, and Norwegian municipalities,
- c) any person engaged in fishing or hunting with a Norwegian vessel.

The term Norwegian vessel connotes a vessel which satisfies the conditions set out in section 1 of the Maritime Act.

For persons other than those mentioned in the preceding paragraphs, Chapters V, VI, VIII, IX and X are applicable in such waters as are mentioned in litra a of the first paragraph. When expressly provided, regulations issued pursuant to Chapter II apply in these waters for those persons mentioned in the preceding sentence. Regulations laid down pursuant to Chapter II may also prescribe that section 11 shall apply correspondingly.

The King may decide that the Act or parts of it shall not apply to particular areas.

### § 2 Substantive scope of the Act

This Act applies to marine fisheries with the exception of fishing for anadromous salmonids. For the purposes of this Act, the term fish also includes crustaceans and molluscs.

Chapters II, III, IV, IX and X and section 24 of the Act also apply to sealing and whaling. The King may decide that other chapters of the Act shall apply in whole or in part to such activities. The King may also decide that Chapters V and X shall apply to fishing for anadromous salmonids.

The King may also decide that Chapters II, V, VI, VIII and X shall apply in whole or in part to activities other than fishing.

The Directorate of Fisheries may permit scientific investigations and practical fishery experiments to be conducted notwithstanding the provisions set out in this Act or issued pursuant thereto.

### **§ 3 Limitations under international law**

This Act does not affect the right of navigation in the economic zone, cf. Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway, and the provisions of this Act apply subject to such limitations as follow from international law or agreements with foreign states.

## **CHAPTER II RESTRICTIONS ON FISHING ETC.**

### **§ 4 Authority to regulate fisheries**

In order to ensure the proper management of the living resources in the sea, if international agreements so require, or if it is necessary for conducting or completing fishing or hunting activities in a rational or proper manner, the Ministry may lay down regulations concerning:

- a) total allowable catches, including catches allocated by regions and gear,
- b) close seasons and prohibitions on fishing and hunting in specific areas or for specific species,
- c) minimum sizes and weights,
- d) mesh sizes, and the dimensions and design of fishing gear,
- e) permitted bycatches,
- f) prohibitions or restrictions on catching methods and uses of gear,
- g) allocation of fishing grounds in specific areas between different gear classes, vessel classes and size classes,
- h) the time during which a gear class, vessel class and size class may engage in fishing operations,
- i) how many vessels may fish at the same time on one fishing ground,
- j) the time of leaving harbour to participate in fishing or hunting,
- k) prohibitions on particular uses of catches,
- l) fishing, hunting and seaweed harvesting conducted in the same area,
- m) prohibitions against carrying particular types of gear on board and against the stowing of fishing gear which may not be used in the area where the vessel is present,
- n) harvesting of flora and fauna which is destructive of species that should be protected,
- o) harvesting of flora and fauna which provide food for species that should be protected,
- p) prohibitions or restrictions on the use of equipment or devices on board that may be used for sorting or grinding fish, or for returning fish to the sea or dumping processed catches,
- q) requirements for vessels to carry on board approved calibration documents for RSW tanks, drawings and a description of storage compartments and bins, and a plan showing storage arrangements on board,
- r) separate stowage of each fish species and fish product,
- s) requirements to carry and use specific equipment for catch inspection, reporting and determination of position. The Ministry may determine the degree to which the vessel shall meet the costs of purchasing, installing and using such equipment.

The Ministry may prescribe that part of the total quota for an individual stock as determined pursuant to section 4 shall be delivered for processing at shore facilities in particular districts. Specific quantities of the total quota may be reserved for specific periods of time and specific classes of vessels.

As regards fishing for stocks which are in danger of being overexploited, the Ministry may prohibit the use of Norwegian vessels by persons other than Norwegian nationals or those considered to be on an equal footing with Norwegian nationals pursuant to the second paragraph of section 1.

The release of organisms or live roe in fjords and marine areas is prohibited except with the permission of the Ministry. Permission for such release may be given by means of regulations for certain organisms and for specific areas or by individual decision.

#### **§ 4a        Restrictions on gear for persons who are not included in the register of Norwegian fishermen**

Unless otherwise decided by the Ministry pursuant to section 4, a person who is not included in the register of Norwegian fishermen, whalers and sealers, etc. may fish using the following gear:

- a) handline, fishing rod and a mechanized pole-line,
- b) drift nets with a total length of up to 210 m,
- c) long lines with up to 300 hooks and
- d) up to 20 traps.

It is prohibited for persons who are not included in the register of Norwegian fishermen to fish using trawls, Danish seines and purse seines. The Ministry may grant exemptions for the use of beach seines.

It is not permitted to fish with gear exceeding that mentioned in the first paragraph from a single vessel.

The Ministry may lay down regulations relating to the design of gear, what is to be regarded as gear and to engaging in sports fishing pursuant to this section.

#### **§ 5        Vessel quotas**

If the total allowable catch has been fixed for a particular stock pursuant to section 4, or if so required in the interests of economic and rational exploitation of a particular stock, the Ministry may lay down regulations governing quotas for the vessels participating in the fishery for specific periods and per trip.

Limits on catches may be made applicable to one or more gear classes, vessel classes or size classes.

Quotas for vessels may be set on the basis of their size, loading capacity, and crew when processing the catch on board or ashore. Different quotas may also be set for different gear classes.

Quotas for vessels engaged in fishing or hunting using the same gear may for one season be determined on the basis of an overall quota for several fisheries which are subject to quota regulations. Provisions restricting catches or excluding vessels from certain fisheries which are subject to quota regulations may also be laid down if the vessels are granted a reasonable overall fishing arrangement in other fisheries.

#### **§ 5a Special quota arrangements**

As a means of adjusting the trawler and purse seiner fleet, which is subject to licensing, to the resources available, the Ministry may divide the total quota for this vessel class into a number of equal quotas (unit quotas), which may be greater than the number of vessels participating in the said class. Unit quotas may be distributed unequally among the vessels participating in this class.

The Ministry will issue further regulations concerning the determination and distribution of unit quotas. New unit quota arrangements may not be implemented after 1 January 1999.

#### **§ 6 Authority of sales organizations to determine quotas**

When a total allowable catch has been determined for a fish stock, the Ministry may authorize a sales organization whose statutes are approved pursuant to Act of 14 December 1951 No. 3, the Raw Fish Marketing Act, to determine the quotas for participating vessels according to definite allocation rules. The sales organization may also, pursuant to further rules, be authorized to issue regulations governing the proper conduct of fishing operations.

#### **§ 7 Confiscation of catches in excess of established quotas**

If a vessel exceeds the catch fixed pursuant to sections 5, 5a and 6, the excess catch or its value accrues to the sales organization responsible for first-hand sales of the catch. This applies irrespective of whether a penalty is incurred.

Decisions regarding such excess catches as are mentioned in the first paragraph shall be made by the sales organization, which shall also calculate the size of the excess catch and its value.

The Ministry may lay down regulations authorizing a sales organization to pay compensation for the costs of landing the catch when it is evident that the excess catch was not deliberate.

The Ministry may also issue regulations governing how the catch or the value of the catch exceeding the established quota shall be calculated, and how the funds shall be applied.

#### **§ 8 Permission to fish using a trawl**

It is prohibited to fish using a trawl off the Norwegian mainland in the area within 12 nautical miles from the baselines. The prohibition does not apply to trawling for shrimp and Norway lobster.

The King may prescribe that it shall be permitted to fish using a trawl in the area between 4 and 12 nautical miles from the baselines along all or specific parts of the coast east of a line along the true bearing 136° from Lindesnes lighthouse.

The King may prescribe that it shall be permitted to engage in trawling with Norwegian vessels up to a specified tonnage in the area between 4 and 12 nautical miles outside the baselines along other sections of the coastline than those mentioned in the second paragraph, when the purpose of the fishery is to provide catches or products of catches for processing at facilities in Norway or to provide fresh fish for delivery in Norway. Permission may be limited to specific areas and specific periods.

The Ministry may lay down regulations to the effect that the prohibition in the first paragraph shall not apply to fishing with a small-meshed pelagic trawl for certain fish species.

The Ministry will decide what is to be regarded as a trawl.

## **§ 9 Duty to report catch data and keep a radio watch**

The Ministry may by regulations order the owner or user of a fishing or hunting vessel to submit reports to the fisheries administration and sales organizations concerning catch sizes, fish species, catch periods, catch areas, fishing gear, catch values, the time of departure from fishing grounds, the time of arrival at port, to whom and for what purpose the catch is to be delivered and accounts for the operation of the vessel. The Ministry may lay down further regulations concerning the duty to submit reports and provide information, including separate provisions on processing on board, prior notification, delivery of catches and when and how often reports are to be submitted.

The Ministry may by regulations prescribe that participants in hunting or fishing operations shall keep a watch on particular radio frequencies at given times to receive notification of any regulatory measures that are being implemented. The Ministry may issue further rules on the announcement of such reports. The Ministry may also by regulations prescribe that owners or operators of fishing vessels shall keep a radio watch and answer calls etc. on the radiotelephone.

### **§ 9a Duty to submit reports on receipt of catches**

The Ministry may by regulations prescribe that any person who receives or sells catches from a Norwegian or foreign vessel shall submit reports and provide information, including prior notification of intention to call at a port, to the fisheries administration and the sales organizations.

## **§ 10 Competence of the Regulatory Council**

Before provisions regulating fisheries are drawn up pursuant to sections 4 and 8, comments may be obtained from a council appointed by the Ministry. Comments shall be obtained from the Regulatory Council before vessel quotas are determined pursuant to section 5.

The Ministry may issue further rules concerning the composition and activities of a council appointed pursuant to the first paragraph.

## **USE, RETURN TO THE SEA, AND SALE OF CATCHES**

### **§ 11 Use and return to the sea**

Fish caught in contravention of provisions set out in or issued pursuant to this Act and capable of surviving shall be returned to the sea immediately.

The Ministry may order the landing of dead and dying fish and prohibit the return of catches or fish waste to the sea.

If dead or dying fish caught in contravention of provisions set out in or issued pursuant to this Act are landed voluntarily or on orders, the catch or its value accrues to the appropriate sales organization. A decision to this effect will be taken by the Directorate of Fisheries. The Ministry may issue regulations to the effect that the sales organizations may pay compensation for the costs when it is evident that the catch was not deliberate. The fourth paragraph of section 7 applies correspondingly.

### **§ 12 Prohibition on sales**

It is prohibited to receive or sell catches caught in contravention of provisions set out in or issued pursuant to this Act. Sales are nevertheless permitted if the Directorate of Fisheries has taken a decision pursuant to section 11 to the effect that the catch accrues to the sales organization.

For control purposes, the Ministry may prohibit the import of catches taken outside Norwegian fisheries jurisdiction in periods when sales of catches are prohibited pursuant to this section.

## **CHAPTER IV FISHING AND HUNTING AT SEA ON SUNDAYS AND PUBLIC HOLIDAYS**

### **§ 13 Holiday close periods**

In the Norwegian Economic Zone established by Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway, fishing and hunting operations are prohibited between midnight and midnight on Sundays and public holidays. Holiday closure does not apply to Easter Monday, Whit Monday, or 1 May or 17 May unless these days fall on a Sunday or public holiday.

On the day before holiday closure begins, it is not permitted to begin setting a purse seine later than 2200 hours, and a shore seine must be securely moored to the shore at both ends by the same hour.

Pots, traps and fixed gear which are in place two hours before the prohibition set out in the first paragraph enters into force may remain in the sea provided that regulatory measures pursuant to section 4 do not preclude this.

The following are excepted from the prohibition in the first paragraph:

- a) hauling in catches and gear which owing to bad weather or unforeseen obstacles could not be hauled in before the beginning of a holiday closure,
- b) lifting of fish from seines after 1600 hours when necessary in regard to production or sales. Lifting of fish from seines begun before the start of a holiday closure may be completed,
- c) towing fish caught in a seine,
- d) sports fishing with a rod, trolling line, hand-net, otter or hand line. Also leisure fishing with one net up to 30 metres long and one line with up to 100 hooks per household.

When practical and/or economic factors so indicate, the Ministry may make exceptions to the prohibitions in the first paragraph for particular areas or for particular fisheries or vessel classes.

In areas where a surveillance or committee system has been established, the Ministry may prohibit all sports and leisure fishing during holiday closures, cf. Chapter VII.

## **CHAPTER V RULES FOR MAINTAINING ORDER ON FISHING GROUNDS ETC.**

### **§ 14 Care**

Any person arriving at fishing grounds where gear has been set shall acquaint himself with the location of such gear.

Vessels must not manoeuvre or be located in such a way that fishing gear is damaged or unnecessarily endangered fishing gear or catch opportunities are needlessly reduced. The obligation to take care also applies during the setting, towing or hauling of gear.

It is prohibited to impede or spoil fishing opportunities by means of shooting, noise, etc.

### **§ 15 Right of way**

Any person fishing with drifting or towed gear must give way to fixed gear.

It is prohibited to anchor in an area where drift nets or float lines have been set and are drifting.

A vessel which has no gear set shall when requested move if it is impeding fishermen who have begun fishing operations or are in the process of setting their gear.

An anchored vessel which is obstructing a seine cast shall when requested move provided there is another suitable anchorage nearby.

### **§ 16 The first cast rule**

The person who first begins to set his gear and continues to do so without undue delay has the right to the stretch of water required by his gear or which will be encircled by it.

If two or more vessels begin to set their gear at the same time, they have equal rights.

## **§ 17 Fishing with hook-and-line gear**

Fishing with hook-and-line gear must be conducted at a safe distance, and not less than 100 metres, from an anchored net pen.

## **§ 18 Shore seining**

If a barrier has been erected, satisfactory watch must be kept by the seine. If there is no insuperable obstacle, the seine shall be promptly lowered on request so that necessary traffic may pass over it.

To prevent ill-advised competition during herring and sprat fishing with shore seines, the Ministry may lay down regulations concerning rights pertaining shore seine fishing as compared to fishing with other gear.

## **§ 19 Purse seining**

Purse seines must be set to starboard such that the vessel turns (completes the net circle) to starboard.

## **§ 20 Drift netting**

If any person sets his drift nets close to another person's drift nets and they seem bound to run foul of each other, precautions shall be taken to avoid this, and if necessary the gear shall be hauled in. The same applies to both drifters if there is a risk of running foul of each other for other reasons.

Any person who causes a collision with other gear while towing a fleet of drift nets is obliged to haul in his gear first.

## **§ 21 Trawling and Danish seining**

It is prohibited to fish with trawls or Danish seines at a distance of less than one nautical mile from fishing or trapping gear that is already set, or markers for such gear, or vessels that are engaged in line fishing or drift operations.

The Ministry may decide that the limit set out in the first paragraph shall be reduced or shall not apply to:

- a) trawling for shrimp or capelin,
- b) Danish seining
- c) boundary areas where trawls and/or Danish seines have sole rights to a particular area pursuant to *litra g* of section 4.

The provisions of this section do not apply where a committee system has been established pursuant to section 33.

## **§ 22 Entanglement of gear**

Any person who finds other persons' gear entangled with his own when hauling it in has a duty to make this known.

If the gear cannot be hauled in without damaging gear belonging to others, all interested parties must if possible be notified before hauling begins.

If another person's gear must be severed or loosened as a result of entanglement with the gear or vessel, this shall be done in such a way as to minimize the overall damage. It is not permitted to sever another person's gear if it can be disentangled by other means.

If another person's gear has been severed or separated, it shall be securely fastened together again. Entangled gear which cannot be brought ashore shall be equipped with proper sinkers.

### **§ 23 Marking of gear**

The Ministry may lay down regulations concerning the marking of gear and moorings.

### **§ 24 Use of explosives and firearms**

The use of explosives to catch fish is prohibited. Explosives must not be carried on board vessels that are on or on their way to or from fishing grounds.

Explosives may be used for harpooning whales. The Ministry will lay down regulations relating to methods of killing seals, whales, basking sharks, etc.

The Ministry may prohibit the use of firearms in fishing and lay down regulations governing such fishing methods.

### **§ 25 Mooring of net pens**

Anyone fishing with a seine is entitled to moor a net pen to the shore, provided it is at a reasonable distance from any inhabited house (holiday home) and does not unduly impede or inconvenience others.

It is prohibited to fish closer than 100 metres or approach closer than 20 metres to a net pen that is moored to shore or otherwise fixed.

The Ministry may issue regulations concerning towing and mooring of net pens in the sea, including the storage of fish and the opening of net pens to prevent the fish from being damaged or its quality being impaired, or to prevent it from polluting the surrounding environment or becoming contaminated.

### **§ 26 Prohibition against leaving objects in the sea**

It is prohibited to dump in the sea gear and other objects that may impede fishing operations, injure fish, damage fishing gear or endanger vessels. It is also prohibited to leave gear, moorings or other objects unnecessarily in the sea or on the sea floor.

Any person who acts in contravention of this section is obliged to clear up and remove the objects in question. The Directorate of Fisheries may order such clearing up and removal.

In the event of failure to comply with orders pursuant to the second paragraph above, the Directorate of Fisheries may implement any necessary measures at the expense and risk of the party responsible. The costs so incurred may be recovered by issuing a writ of execution.

### **§ 27 Fishing, etc. and other activities**

To protect natural and cultivated fish resources, installations for the cultivation of seaweed, and fishermen's opportunities to catch fish, including their use of sites for seining and anchorage of lock seines, the King may lay down regulations governing the conduct of activities other than fishing within four nautical miles of the baselines.

### **§ 28 Fishing near aquaculture installations**

As regards the prohibition of fishing operations and passage near aquaculture installations, the provisions of Act of 14 June 1985 No. 68 relating to the farming of fish, shellfish, etc. apply.

## **CHAPTER VI SALVAGING GEAR**

### **§ 29 Duty to provide information**

Any person who salvages gear which has drifted away, been lost, or been abandoned, including dories and other equipment, shall as soon as possible report this to the owner or nearest public authority.

### **§ 30 Salvage**

Any person who salvages such gear as is mentioned in section 29 is entitled to whatever salvage is customary or deemed reasonable. The amount of salvage payable must not exceed the value of what was salvaged.

A salvaged catch accrues to the salvager. If the value of the catch considerably exceeds the amount of salvage payable, the latter may be wholly or partly remitted.

### **§ 31 Redeeming salvaged gear**

Owners are not obliged to redeem salvaged articles. Return of salvaged articles may not be demanded before salvage has been paid and expenses covered.

### **§ 32 Regulations governing salvage**

The Ministry may issue regulations governing the salvaging of gear.

## **CHAPTER VII COMMITTEES AND LOCAL FISHERY INSPECTION SERVICES**

### **§ 33 Supervisors and committees**

For specific districts, the Ministry may decide that supervisors and committees shall be elected for one or more gear classes.

If there is more than one committee in a district, the Ministry may appoint a joint chairman for these committees. In such a district the Ministry may also decide that there shall be a joint committee.

### **§ 34 Tasks of supervisors**

Supervisors shall serve the interests of fishermen in maintaining peace and order on fishing grounds, and shall seek by means of advice and warnings to prevent the contravention of provisions set out in or issued pursuant to this Act.

### **§ 35 Authority of committees**

In order to prevent collisions between different gear classes, or to ensure rational fishing operations, and unless it is contrary to provisions issued pursuant to section 4, a committee established pursuant to section 33 may issue regulations for its district concerning:

- a) apportionment of sea areas among the users of the various gear classes,
- b) the setting and hauling of gear, including provisions relating to signals and times for setting and hauling,
- c) the time of departure for the fishing grounds, including provisions relating to signals,
- d) prohibitions against staying on fishing grounds at particular times
- e) the anchoring of gear,
- f) the marking of gear, insofar as these regulations do not conflict with regulations issued pursuant to section 23.

Appeals against regulations issued pursuant to the first paragraph may be lodged with the Ministry by at least 10 participants in a gear class represented on the committee, or by at least five members of a gear class not represented on the committee within two weeks after their entry into force. An appeal does not have suspensive effect.

### **§ 36 Regulations concerning committees**

The Ministry may issue regulations concerning the implementation and further specification of the provisions of sections 33 and 34 concerning the organization of committees and the scope of their activities.

### **§ 37 Application of the Public Administration Act**

Chapter VII of the Public Administration Act does not apply to decisions taken pursuant to section 35.

### **§ 38 Local fishery inspection services**

The Ministry may establish local fishery inspection services for specific areas.

For such areas, the Ministry may lay down regulations concerning division into inspection districts, the term of office of local fishery inspection services, and the obligations of those engaged in fishing to give notification and submit reports.

The Ministry may appoint a chief inspector to be in charge of such inspection activities.

### **§ 39 Authority of local fishery inspection services**

Local fishery inspection services shall ensure compliance with the provisions of this Act and of Act of 14 December 1951 No. 3, the Raw Fish Marketing Act, and regulations issued pursuant thereto. The Ministry may lay down regulations concerning how to ensure compliance with this Act.

In the course of their duties, members of the local fishery inspection service shall be given unimpeded access to vessels. The person in command of a vessel shall give the inspectors any necessary assistance and information.

The King may decide that the chief inspector shall be given police and prosecuting authority, and may lay down further provisions relating to the relationship between the chief inspector and the ordinary police and prosecuting authorities.

In terms of his authority pursuant to the third paragraph, the chief inspector may give an official of the inspection service police authority and the authority to issue writs giving the option of a fine. If no chief inspector has been appointed, the Ministry may give such authority.

A person charged may be required to declare at once whether or not he accepts an optional fine prescribed by an official of the local fishery inspection service.

### **§ 40 Mediation by the local fishery inspection service**

As far as possible, officials of the local fishery inspection service shall seek to settle out of court disputes arising during or in connection with fishing operations.

Section 106 of Act of 13 August 1915 No. 5 relating to the courts of justice, concerning disqualification, applies to anyone acting as a mediator.

Settlements reached with the assistance of the local fishery inspection service are specially enforceable under the Enforcement Act provided they have been signed by the parties and the signatures have been confirmed by the mediating official.

### **§ 41 Special procedural rules**

The court shall proceed with cases concerning any contravention of acts or regulations mentioned in the first paragraph of section 39 without undue delay, giving them priority over its other official duties, if an inspection service pursuant to section 38 is in operation.

An action relating to a dispute that arises during or in connection with fishing operations while an inspection service is in operation may, unless other legislation or a collective wage agreement precludes this, be brought in the judicial district in which fishing operations took

place if the defendant is staying in or has his venue in the said district when the court receives the writ of summons. The first paragraph applies correspondingly to such actions.

## **CHAPTER VIII COMPENSATION**

### **§ 42                    Strict liability**

Any person who causes damage to gear set in the sea for the purpose of fishing is obliged regardless of fault to pay compensation for the damage, including any catch lost and losses resulting from the interruption in fishing.

Any compensation payable pursuant to the first paragraph may be reduced or remitted if the person causing the damage can establish that he was not at fault.

### **§ 43 Rules concerning the burden of proof**

If damage has been done to drifting or fixed gear, the burden of proof that they did not cause the damage rests on fishermen who were using trawls or Danish seines on the fishing ground at the time in question, unless the circumstances clearly negate the need for such proof.

### **§ 44 Security for compensation**

Claims for damages pursuant to this Act and claims for compensation ensuing from collisions between fishing vessels, support vessels, vessels engaged in transporting fish or other vessels participating in the fishing operations, are secured by liens on the vessels, gear and catches of the group of fishermen causing the damage. The provisions governing maritime liens set out in Chapter 3 of the Maritime Act of 20 July 1893 apply correspondingly. The claim has equal priority with the claims mentioned in subsection 4 of the first paragraph of section 51 of the Maritime Act.

Liens on a catch cease to apply when the catch is delivered, but the claimant obtains instead a charge on the amount for which the catch is sold.

## **CHAPTER IX CONTROL AND ENFORCEMENT**

### **§ 45 Authority of the Directorate of Fisheries**

The Directorate of Fisheries shall ensure compliance with the provisions of this Act and of sections 3 and 4 and litra b of section 7 of the Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway, and regulations issued pursuant to thereto.

When exercising its control duties, the Directorate of Fisheries shall be given unimpeded access to vessels, processing facilities, storehouses and harbour areas. The person in command of a vessel or such facilities shall give the Directorate of Fisheries any necessary assistance and information, produce relevant objects and documents etc., certify copies and allow comments

on contravention to be entered in the catch logbook, sales note and the like. Vessels may be stopped for inspection. The Directorate of Fisheries may if necessary request the assistance of the police in carrying out the inspection.

Inspectors may be placed on board to carry out inspection duties and observers may be placed on board to observe and register fishing operations. Necessary board and lodging shall be provided at the vessel's expense. The inspector or observer shall have use of the radio and other communication equipment without charge.

The Directorate of Fisheries may inspect shipowners' accounts and order deep-freezing enterprises to provide information about catches which are temporarily stored on their premises. The owner and the person in charge on board a vessel which supplies fish to foreign countries or to foreign ships, and businesses or companies which supply fish or fish products abroad may be ordered to provide the necessary information for the purposes of control according to the first paragraph.

The Directorate of Fisheries may establish a register for the collection, storage and use of information obtained using equipment such as is mentioned in section 4, first paragraph, *litra s*. The Ministry may by regulations lay down further provisions relating to the registration and use of information in the register.

The Ministry may lay down regulations concerning the control exercised according to this section, including provisions laying down:

- a. the authority and duties of the observer,
- b. which vessel classes and how many vessels shall carry an inspector or observer on board, and how the vessels are to be selected,
- c. that the vessel shall wholly or partly meet the wage and transport costs, etc., incurred in implementing the inspection and observation schemes,
- d. that the costs of the inspection and observation schemes shall be divided among all participating vessels in a specified vessel class, and
- e. that vessels that have not paid the costs imposed in connection with the inspection and observation schemes may be refused permission to take part in fishing operations.

#### **§ 45 a                      Sales organizations' responsibility for inspection etc.**

The Ministry may by regulations provide that a sales organization whose statutes have been approved pursuant to Act of 14 December 1951 No. 3, the Raw Fish Marketing Act, shall assist in ensuring compliance with this Act and regulations laid down pursuant thereto. Provisions pursuant to the previous sentence shall be restricted to information acquired as a natural result of the sales organization's sale of raw fish.

The sales organization shall immediately report any contraventions discovered to the Directorate of Fisheries.

#### **§ 46                                      The Coast Guard's police authority and authority to issue writs prescribing optional fines**

Coast Guard officials have police authority with regard to the enforcement of the provisions of this Act, Act of 5 December 1917 No. 1 relating to the registration and marking of fishing vessels, the Act of 20 April 1951 relating to fishing with trawls, Act of 17 June 1966 No. 19 relating to Norway's fishery limit and to the prohibition against fishing etc. by foreign nationals within the fishery limit, Act of 16 June 1972 No. 57 relating to regulation of participation in fishing, and Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway, as well as regulations issued pursuant to these Acts. The Coast Guard may also conduct investigations into suspected contravention of the said provisions.

Coast Guard officials have police authority with regard to the enforcement of regulations issued pursuant to Act of 17 July 1925 No. 11 relating to Svalbard, which governs fishing in Svalbard's territorial waters and inner coastal waters. Such police authority shall be exercised in accordance with any directives issued by the Governor of Svalbard.

The Coast Guard may also investigate other offences committed within Coast Guard jurisdiction, and otherwise at the request of the appropriate prosecuting authority.

The Coast Guard may take the necessary steps to maintain peace and order on fishing grounds.

The King may authorize the commander of a Coast Guard vessel to issue writs giving the option of a fine for the contravention of provisions mentioned in the first paragraph. The person charged may be required to declare at once whether he accepts a fine prescribed by the commander of a Coast Guard vessel.

#### **§ 47 Authority of the Coast Guard to carry out inspection**

The Coast Guard shall ensure compliance with the provisions set out in or issued pursuant to this Act and the Acts mentioned in the first and second paragraphs of section 46.

To exercise control as mentioned in the first paragraph, the Coast Guard may stop and inspect vessels.

Inspectors may be placed on board to carry out inspection duties. Necessary board and lodging shall be provided at the vessel's expense. The inspector shall be allowed to use the radio and other communication equipment free of charge.

The person in command of a vessel shall give the inspectors any necessary assistance and information, produce relevant objects and documents, including log books, hand over copies of documents etc., certify copies, and permit comments on any contravention to be entered in the catch log book. The person in command may be ordered to haul in his trawl or other gear.

The person in command shall sign the report drafted by the inspector, but may add to it such comments as he finds necessary.

#### **§ 48 Seizure, prize crews, and searching**

If there is just cause to suspect that an offence as mentioned in section 53 has been committed, or that the provisions mentioned in the first and second paragraphs of section 46 have been contravened, the prosecuting authority or the Coast Guard may order the suspected vessel to

proceed to a Norwegian port. If necessary, a prize crew may be placed on board. The prize crew shall take over command of the vessel insofar as this is necessary to sail it to a Norwegian port.

If any such suspicion such as is mentioned in the first paragraph arises, the police or Coast Guard may search persons. Arrests, searches and seizure may also be carried out according to the provisions of Act of 22 May 1981 No. 25 relating to legal procedure in criminal cases.

#### **§ 49 Pursuit beyond Norwegian fisheries jurisdiction**

The provisions of sections 47 and 48 also apply beyond the limits of Norwegian fisheries jurisdiction if the suspected contravention took place within those limits and the vessel has been pursued without interruption.

#### **§ 50 Distribution of functions between the Coast Guard and the prosecuting authority**

If the Coast Guard has seized a vessel or carried out any seizure or arrest pursuant to the provisions of sections 48 and 49, the matter shall promptly be handed over to the competent police authority for further action.

The prosecuting authority may decide to detain the ship as security for any financial penalty for contravention of provisions set out in or laid down pursuant to this Act or of the other provisions mentioned in the first and second paragraphs of section 46.

A decision to seize a vessel pursuant to the first paragraph of section 48 or to detain it pursuant to the second paragraph of this section shall as soon as possible be brought before a court of law, which shall decide whether to attach a lien to the vessel according to the provisions of section 51 or to release the vessel.

#### **§ 51 Liens**

To secure payment of a fine which is likely to be imposed pursuant to section 53 or pursuant to the other Acts mentioned in the first and second paragraphs of section 46, as well as of costs which are likely to be awarded, the court may at the request of the prosecuting authority decide to attach a lien to the vessel for a specified amount, if there is reason to fear that execution proceedings will otherwise fail or face considerable difficulty. Such a lien may be attached even if the vessel does not belong to the person charged.

When there is a lien on a vessel, it must not leave the place where it lies. If the vessel is not in port, the decision to attach the lien shall contain an order to sail to a specified place.

A lien may be avoided if other satisfactory security is provided.

A lien ceases to apply when it is waived by the prosecuting authority, or when a court so rules because the grounds for the lien no longer exist.

Otherwise the provisions on seizure in section 253, the second and third paragraphs of section 253a, and section 254 of Act of 13 August 1915 No. 7 relating to the enforcement of claims apply correspondingly to liens pursuant to the present section in so far as they are appropriate.

## **§ 52 Regulations relating to control and enforcement**

The King may lay down regulations relating to the exercise of the Coast Guard's police authority and authority to issue writs prescribing optional fines and to the conduct of inspections, seizing of ships, seizure and arrests.

## **CHAPTER X PENAL PROVISIONS, PROCEDURAL RULES, ETC.**

### **§ 53 Criminal liability**

Any person who wilfully or negligently contravenes or is accessory to the contravention of any provisions set out in this Act or issued pursuant thereto, is liable to a fine. If the offender has been previously convicted pursuant to this Act, or if there are other aggravating circumstances, imprisonment for a term not exceeding six months may be imposed alone or in addition to a fine.

Any person who fails to obey orders given by the Coast Guard, or fails to give the assistance required or provide necessary information etc., or submits incorrect documents or seeks by other means to mislead the Coast Guard, is liable to a fine or to imprisonment for a term not exceeding six months or both.

In cases of contraventions by foreign vessels in the area between four and 200 nautical miles from the baselines, by imprisonment is not applicable.

Contravention is to be regarded as a misdemeanour. An attempt is subject to the same penalty as a completed offence.

The master of the vessel may accept an optional fine on behalf of the employer. An employer may also be liable to a penalty in criminal proceedings against the master.

If the contravention has been committed by any member of the crew of a vessel, and criminal liability may be imposed on the master of the vessel in this connection, the subordinate shall not be liable to a penalty.

### **§ 54 Confiscation**

In the case of contravention of provisions set out in or issued pursuant to this Act, the vessel used in the contravention and its fittings, and any catches and gear on board may be confiscated, irrespective of who the owner is. Instead of any object, its 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 liens on or other rights to objects which are confiscated shall wholly or partly cease to apply. The provisions of section 37 c of the Penal

Code apply correspondingly. When lawful and unlawful catches have been mixed together, the entire catch may be confiscated.

**CHAPTER XI**  
**ENTRY INTO FORCE. REPEAL AND AMENDMENT OF OTHER ACTS**

**§ 55**

1. This Act shall enter into force from such date as the King decides. From the same date, the following shall be repealed:  
...
2. From the date of entry into force of the present Act, the following amendments shall be made to other Acts:  
...
3. Provisions laid down pursuant to section 14 of Act of 25 June 1937 No. 20 relating to fishing for herring and sprat and section 15 of Act of 16 June 1939 No. 7 relating to whaling, section 5 of Act of 14 December 1951 No. 1 relating to seal hunting, section 10 of the Act of 17 June 1955 relating to sea-water fisheries, sections 10a and 10b of Act of 16 June 1972 No. 57 relating to regulation of participation in fishing and Act of 17 January 1975 No. 1 relating to trawler-free zones outside the Norwegian fishery limit shall continue to apply until repealed or replaced by provisions laid down pursuant to this Act.