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REGARDING FISHERIES WITHIN
THE FISHERIES JURISDICTION OF ICELAND

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Article 1

The object of the present Act is to promote the growth and maximum utilization of the fish stocks within the Icelandic fisheries jurisdiction.

Article 2

Foreign vessels shall be prohibited from any fishing within the fisheries jurisdiction of Iceland as it is determined in Regulation No. 299 of 15th July 1975 in pursuance of the provisions of Act No. 33 of 19th June 1922 regarding fishing rights within the fisheries jurisdiction.

Icelandic vessels are prohibited from fishing by means of bottom trawl, midwater trawl and seine net within the fisheries jurisdiction except where special authority for such fishing is granted by the present Act.

Article 3

Icelandic vessels are permitted to fish by means of bottom trawl and midwater trawl within the fisheries jurisdiction in the areas and during the periods of time now to be specified, provided that the Minister concerned does not exclude specific areas from such fishing. (There follows a detailed statement of the areas and periods of time during which Icelandic vessels are permitted to fish).

Article 4

In the case of arctic ice closing normal fishing grounds within the fisheries jurisdiction, the Minister concerned on the recommendation of the Marine Research Institute may grant permits for trawl fishing in addition to those specified in the present Act for a limited period of time in specified areas.

Article 5

The Minister may divide fishing areas between kinds of gear and thus restrict the permits granted under the present Act by prohibiting the use of certain kinds of gear in specified areas for a limited period of time.

Article 6

In case of the killing of fry and small fish taking place in specific areas in a measure considered alarming or dangerous the Ministry of Fisheries shall take the necessary steps to prevent such killing. The Ministry may impose a ban on all trawl fishing in such areas, and also on other fishing if considered necessary. The comment of the Marine Research Institute shall always be at hand before such time-limited fishing restrictions are lifted.

Article 7

Notwithstanding the provisions of the present Act the Ministry of Fisheries may give notice of new conservation areas and modifications of older conservation areas in which fishing by means of bottom trawl and midwater trawl or other kinds of fishing gear is prohibited in specified areas of the Icelandic fisheries jurisdiction, the opinion of the Marine Research Institute having previously been sought.

Article 8

In addition to the inspection carried out by the Coast Guard, it is proposed that special inspection vessels operated by the Marine Research Institute shall keep fishing within the fisheries jurisdiction under observation for the purpose of preventing immoderate killing of small fish or other harmful fishing. The master of each inspection vessel shall be a special representative of the Minister of Fisheries and engaged by him in consultation with the Marine Research Institute. The masters shall have experience of fishing, including trawl fishing.

The Minister may place special representatives on board fishing vessels as considered necessary. It is the duty of skippers of fishing vessels to give the inspectors such assistance and facilities on board their vessels as further decided in the letters of instruction issued to the inspectors by the Ministry of Fisheries.

Whenever masters of inspection vessels, leaders of expeditions of Marine Research Institute vessels or special representatives according to paragraph 2 notice any appreciable amount of fish or small lobster or protected species in catches, they shall accordingly immediately notify the Marine Research Institute or any of the specified fish scientists especially designated for such purpose by the Director.

The Marine Research Institute may upon the receipt of such notifications prohibit specified fishing for up to 7 days in specified areas. Such sudden closings become effective when announced over the wireless or telecommunication apparatus by the respective masters of inspection vessels, leaders of research expeditions or representatives of the Minister.

The Coast Guard shall be notified of the sudden closings in accordance with paragraph 4 as soon as they

have been decided and furthermore the Ministry of Fisheries shall be notified of such sudden closings and of the grounds on which they are based. The Ministry in consultation with the Marine Research Institute will then decide within 7 days what measures, if any, are necessary for the protection of young fish or protected species in the area in question.

Article 9

Officials of the State Fish Quality Control shall keep the composition of landed catches under observation and notify the Ministry at once if they find unlawful amounts of small fish in catches.

It is the duty of skippers of fishing vessels to enter such information about composition of catches in the catches logbook as the Fisheries Association of Iceland may require.

Article 10

Upon the reasoned opinion of the Marine Research Institute that individual fish stocks are being dangerously overexploited and their propagation in imminent peril, the Minister in consultation with the Marine Research Institute acting on the advice of the Fisheries Association of Iceland, may issue rules regarding the maximum permissible catch of each species during a specified period of time, or season or for a whole year.

Article 11

When trawl fishing vessels are situated within the fisheries jurisdiction in areas where fishing is prohibited, they shall have all gear stowed inboard, trawl doors in fastenings and nets tied up.

Article 12

The Minister will issue rules regarding all matters pertaining to the performance of the present Act, such as types and make of gear, minimum mesh sizes of nets and minimum sizes of the species that may be landed. Rules regarding these points shall never fall short of international conventions on the same subject which Iceland has ratified or will ratify.

Article 13

Notwithstanding the provisions of Article 2, seine net fishing shall be allowed according to special of general permits granted by the Minister. The Minister may require such conditions for the permits as he considers necessary.

Article 14

The catching of prawn, lobster, herring, capelin, Norway pout and blue whiting by means of bottom trawl or midwater trawl shall be subject to special or general permits of the Minister. Such permits or allocation of permits are subject to conditions considered necessary by the Minister.

The Minister may also issue a Regulation subjecting other fishing by means of specified gear to special or general permits.

Article 15

The Minister on proposal of the Marine Research Institute may grant permits for experimental fishing and other scientific research within the fisheries jurisdiction. Such permits need not be restricted to Icelandic nationals, but experiments and research shall always be conducted under the control of the Marine Research Institute.

Article 16

Fishing permits according to Articles 13 - 15 shall always be time-bound, and the opinion of the Marine Research Institute and the Fisheries Association of Iceland shall at all time be sought before permits are granted. Moreover, the Minister will seek the opinion of others when considered necessary.

Article 17

Infringements of Articles 2, 3, and 5 - 8 of the present Act are punishable by fines, as follows:

1. In the case of vessels 39 meters or less in length the fines shall amount to 4.000 - 20.000 gold krónur.
2. In the case of vessels over 39 meters in length the fines shall amount to 14.000 - 40.000 gold krónur.

All fines according to the present Article are based on gold krónur, cf. Act No. 4 of 11th April 1924.

Infringements as above shall also be punishable by confiscation of gear, including warps, as well as all the catch on board. If the skipper cannot be reached, the vessel itself or a part of its value may be confiscated. Confiscation may also be applied when a criminal action arising out of violations has not been brought and when a criminal action cannot be brought. An action for confiscation may then be brought against the owners of the vessel, its agents, or trustees.

A vessel shown to have been fishing illegally shall be arrested upon arrival in port and may not be released until judgement has been passed in the action brought by the Public Prosecution against the skipper, or his case

settled in some other manner and fine and costs paid in full. A vessel may be released sooner, however, if a bank guarantee or other similar security accepted by the judge has been placed for payment of the fine and costs.

A lien shall be enforced on the vessel in satisfaction of payment of fines and costs according to the present Article.

Article 18

Infringements of Article 11, or rules according to Articles 10 and 12, or the provisions of permits according to Articles 13 - 15, are punishable by fines of 2.000-14.000 gold krónur, cf. Act No. 4 of 11th April 1924, and confiscation of catch according to law regarding confiscation of illegal catches, as applicable. If infringements do not come under the provisions of that law, confiscation of catch and gear shall take place according to Article 17 in the case of a repeated offence.

If it is evident from all the circumstances that the vessel has neither been fishing inside the fisheries limit nor preparations made for the purpose, the case may be settled by admonition in the case of a first offence, but in the case of a repeated offence by fines of 2.000-14.000 gold krónur, cf. Act No. 4 of 11th April 1924.

Article 19

Any person guiding a vessel while fishing illegally within the Icelandic fisheries jurisdiction, or assisting the vessel while so doing, or helping the guilty person to escape punishment, shall be fined 2.000 - 14.000 gold krónur, cf. Act No. 4 of 11th April 1924. The same punishment shall apply to any person on board the trawl fishing vessel or boat alongside the vessel while pursuing illegal fishing inside the fisheries jurisdiction, unless he can give such an account of his presence as will make it probable that he has no part in the illegal fishing.

The provisions of the present Article do not apply to persons listed as crewmembers of the fishing vessel.

Article 20

Any skipper becoming guilty of a repeated violation of the provisions of the present Act may, in addition to the fines according to Article 17, paragraph 1 of Article 18, and Article 19, be sentenced to imprisonment for up to 6 months. Furthermore, and at other times, in the case of gross violations, the skipper may receive the same punishment for the first offence against the provisions of the said Articles.

The skipper may also be deprived of his master's certificate for a specified period of time for repeated violations of the provisions of the present Act, and he may also be deprived of the right to engage in specific kinds of fishing for up to 30 days.

Article 21

Fines and proceeds of confiscated property according to the present Act shall pass to the Coast Guard Fund. The agreement of the Ministry concerned shall always be sought in regard to the sale of confiscated catch and gear. However, gear may never be sold to the guilty person, and catch only in the case of pressing necessity.

Article 22

Actions arising out of violations of the provisions of the present Act shall be treated as criminal actions.

Article 23

From the date of the present Act entering into force, Act No. 102 of 27th December 1973 regarding fishing by means of bottom trawl, midwater trawl and seine net within the fisheries jurisdiction, and subsequent Acts regarding amendments of that act, cf. Act No. 14 of 26th March 1974 and Act No. 72 of 14th October 1975, shall cease to be effective. Act No. 73 of 5th December 1975 shall however remain in force. Moreover Regulations issued in accordance with the above-mentioned Acts shall remain in force.

Article 24

The present Act shall enter into force 1st July 1976.

Temporary provisions

Vessels previously enjoying fishing permits according to the measurement 105 gross registered tons and under, and 350 gross registered tons and under, and vessels of 26 m and under and 39 m and under, shall continue to enjoy the same fishing permits according to the present Act.

Passed at the Althing 19th May 1976.