

Lovens tittel:

Lov om omsetning av råfisk

Lovens fulle tittel og evt. korttittel på engelsk:

Act of 14 December 1951 on the marketing of raw fish

Opplysninger om når loven sist ble endret:

1.1. 1994

Dato for oversettelsen:

Januar 1996

Institusjonen som er ansvarlig for oversettelsen:

Fiskeridepartementet

Eventuelle bemerkninger:

ACT OF 14 DECEMBER 1951 ON THE MARKETING OF RAW FISH

Section 1

In this act the term raw fish covers fish (including herring, sprat and shellfish) and also parts of and by-products of fish.

The King may decide that the entire Act or parts of the Act shall also apply to small cetaceans and squid and to parts of and by-products thereof.

Section 2

The King may decide that the processing, sale or export of raw fish as mentioned in section 1 or products thereof shall be prohibited regardless of where the fish is caught if first-sale of the raw fish has not taken place through or with the approval of a fishermen's sales organisation whose statutes have been approved by the Ministry concerned. Sale by an approved sales organisation is regarded as first-sale. Purchase of and settlement for raw fish fished on a share or percentage basis by owners of vessels, owners of gear or other co-partners is also regarded as first-sale.

Such prohibition may also be applied to imported live or other fresh raw fish, including such raw fish landed by foreign fishing vessels. It may also be applied to processed raw fish landed by foreign fishing vessels.

Regulations pursuant to this Act may be limited to apply to certain species of raw fish caught, landed or brought to port in certain areas. Such regulations may also be limited to certain periods or to certain markets.

This act does not prevent the processing of own catches. The King may decide that the sale and export of self-processed raw fish and products thereof may only take place when first-sale of raw fish and products as mentioned take place through or with the approval of a sales organisation as mentioned in the first paragraph of this section.

An approved sales organisation in which authority has been vested under the provisions of this Act may transfer such authority to a joint body representing two or more approved sales organisations. The joint body shall have statutes approved by the Ministry in question.

Section 3

The Ministry concerned may under section 2 of this Act approve statutes for sales organisations of fishermen when the fishermen or owners of vessels or gear can become members through direct membership, or when membership can be obtained through fishing boat crews, local sales organisations or through the fishermen's trade organisation, and the sales organisation is formed with limited liability and with an indefinite number of members.

The statutes of the sales organisation shall include provisions:

1. Requiring the business manager to be approved by the Ministry concerned.
2. Requiring the sales organisation to have a supervisory committee.
3. Entitling the Ministry concerned to appoint a public inspector who shall be remunerated by the sales organisation. The inspector's salary shall be fixed by the Ministry.
4. Requiring activity which is carried on by the sales organisation, and which does not directly involve organising first-sale, to take place through the sales organisation's own companies.
5. Requiring decisions taken regarding the application of the sales organisation's capital upon dissolution of the organisation to be approved by the Ministry.
6. Requiring disputes between the sales organisation and its members to be settled by such means as may be prescribed.

The sales organisation shall be entitled to levy a fee on the first-sale of all raw fish and products thereof which pursuant to section 2 are sold through or with the approval of the organisation, and which falls within the activities of the sales organisation. This also applies to raw fish processed pursuant to section 2, fourth paragraph. The fee shall be fixed by the supervisory board of the sales organisation and is subject to approval by the Ministry concerned. Provisions regarding the fee shall be included in the statutes and the business rules of the sales organisation.

Section 4

A sales organisation which is approved in accordance with section 2 shall have business rules containing the organisation's general conditions for sale. Such rules may provide that whoever wishes to buy raw fish from the organisation or with the approval of the organisation shall apply for approval as a buyer and shall undertake to comply with the rules of the sales organisation. The sales organisation may as a condition of approval require the furnishing of specified security for fulfilment of the buyer's obligation towards the organisation, and that the buyer's firm be notified to the Register of Business Enterprises. Approval may be limited to the purchase of specific species of fish, purchase for a specific production installation or purchase for a specific purpose. Approval that has been granted may be withdrawn.

Grounds for refusal or withdrawal of approval may inter alia be that the buyer does not have an installation that satisfies the minimum standards required of installations for processing of fish, or that the buyer will not be able to fulfil or has not fulfilled his obligations towards the co-operative, cannot furnish or has not furnished security for the same, or fails to comply with ordinary conditions for sale and the like.

Anyone who is refused approval or whose approval is withdrawn must be notified of the decision and the reasons for such decision in writing. Appeal against withdrawal of approval has

suspensory effect. The appeals instance is the Ministry or whoever it authorises.

Section 5

When required by market conditions, or to achieve an appropriate utilisation of catches, a sales organisation approved in accordance with section 2 may impose a temporary prohibition on or order restrictions on fishing. Such prohibition and restrictions may be limited to certain districts, certain classes of gear and other participating crews, or to certain species of fish. Prohibition and restrictions applied to fishing off Greenland, Iceland, Jan Mayen, the Faroe Islands, Bear Island and the Svalbard archipelago or in other distant waters, or applied to vessels which hold licences under the law governing fishing with trawl nets may only be carried into effect with the approval of the King.

Chapter VII of the Public Administration Act is not applicable to decisions taken pursuant to the first paragraph of this section.

Section 6

A sales organisation which is approved under section 2 may direct catches falling within the activity of the organisation to specific buyers and to specific uses when this is deemed necessary to secure the most gainful method of sale for the fishermen, or to secure successful implementation of fishing operations, marketing, production and resale, including supplies of fresh fish to the domestic market.

The King may authorise the Ministry concerned to instruct a sales organisation approved under section 2 to direct catches to specific uses.

Chapter V and VII of the Public Administration Act are not applicable to decisions taken pursuant to the first paragraph of this section.

Section 6a

In regard to settlement for products delivered in contravention of the provisions of a sales organisation approved under section 2, such organisation may demand that such settlement be remitted entirely or in part, or it may withhold such payment for the purpose of price equalisation or price subsidies and freight subsidies in respect of lawfully delivered catches. Amounts which are called in or withheld are limited to the value of the unwarranted profit which the supplier has gained by virtue of the unlawful act. Decisions referred to in this section are individual decisions under the provisions of the Public Administration Act.

Section 7

A sales organisation which is approved under section 2 of this Act shall supervise compliance with provisions set out in, and regulations issued pursuant to, this Act.

The Ministry may lay down regulations regarding supervision exercised pursuant to the first paragraph, including rules requiring registration by fish-reception enterprises of raw materials received with precise information on fish species, catch volume, fishing ground etc.

Section 7a

Repealed by Act no. 124 of 4 December 1992.

Section 8

If a decision is made as referred to in section 2, the Ministry concerned may lay down the supplementary regulations required for giving such decision effect and for ensuring that it is observed. The Ministry concerned may also lay down regulations on the auditing of the accounts of the sales organisations and demand the provision of such statistical information as it deems necessary.

If a decision is made as referred to in section 2, second paragraph, or section 7, second paragraph, special conditions may be attached, including provisions requiring a control committee to be set up with representatives of the authorities and of the various marketing and consumer interests.

Section 9

Whoever wilfully or through negligence contravenes this regulation shall be punished by fines. Complicity in and attempts at such contravention are subject to the same penalty.

Section 10

Repealed by Act no. 51 of 11 July 1986.

Section 11

This Act comes into force on 1 January 1952.

Provisions laid down in pursuance of provisional Act of 18 June 1938 on the marketing of raw fish with subsequent amendments shall remain in force, insofar as they do not conflict with the provisions of this Act, until they are repealed or superseded by regulations laid down pursuant to this Act.