

No. 7970

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
NORWAY**

Agreement for the continuance of fishing by Norwegian vessels within the fishery limits of the United Kingdom of Great Britain and Northern Ireland (with exchange of notes). Signed at London, on 28 September 1964

Official texts of the Agreement: English and Norwegian.

Official text of the notes: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 8 November 1965.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
NORVÈGE**

Accord portant maintien des droits de pêche des bâtiments norvégiens dans les limites de la zone de pêche du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (avec échange de notes). Signé à Londres, le 28 septembre 1964

Textes officiels de l'Accord: anglais et norvégien.

Texte officiel des notes: anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 8 novembre 1965.

No. 7970. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF NORWAY FOR THE CONTINUANCE OF FISHING BY NORWEGIAN VESSELS WITHIN THE FISHERY LIMITS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. SIGNED AT LONDON, ON 28 SEPTEMBER 1964

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom Government") and the Government of the Kingdom of Norway (hereinafter referred to as "the Norwegian Government");

Having regard to the establishment by the United Kingdom Government of the fishery regime described in Articles 2 to 6 of the Fisheries Convention open for signature at London from 9th March to 10th April, 1964 ;²

Have agreed as follows :

Article 1

The United Kingdom Government, in fulfilment of the obligations in the Note addressed by Her Majesty's Chargé d'Affaires at Oslo to the Norwegian Minister for Foreign Affairs on the occasion of the signing on 17th November, 1960, of the Fishery Agreement between the United Kingdom Government and the Norwegian Government,³ and in consideration of the particular nature of the fisheries involved, agree that fishing vessels registered in the Kingdom of Norway (hereinafter referred to as "Norwegian vessels") may continue to fish within the fishery limits of the United Kingdom of Great Britain and Northern Ireland as provided in Articles 2 to 6 of this Agreement.

Article 2

Norwegian vessels may continue to fish until 31st December, 1984, in the zone between 6 and 12 miles from the baselines of the territorial sea of the United Kingdom :

¹ Came into force on 11 March 1965, the date of the exchange of the instruments of ratification at Oslo, in accordance with article 8.

² United Kingdom, *Cmnd.* 2355.

³ United Nations, *Treaty Series*, Vol. 398, p. 189.

- (a) for dogfish: in the areas extending from a line due west of Ard an Runair (North Uist) northwards to a line due east of Start Point (Orkney) including the areas around the Flannan Islands, the Shetland Islands and Fair Isle and the off-lying islands of the St. Kilda Group, North Rona and Sulisker, Sule Skerry and Stack Skerry; and
- (b) for basking sharks: in the same area as for dogfish and also in the area between a line due west of the Mull of Oa (Islay) and a line due west of Ard an Runair.

Article 3

Norwegian vessels may also continue to fish for dogfish and basking sharks off those parts of the coast described in Article 2 (a) and (b) of this Agreement up to a limit of three miles from the baselines of the territorial sea of the United Kingdom until 31st December, 1965, or where straight baselines or bay closing lines in excess of 10 miles are drawn, until 31st December, 1966.

Article 4

If the United Kingdom Government should extend to any third country any right to fish for dogfish or basking sharks in the areas described in Article 2 (a) and (b) of this Agreement the same right shall extend automatically to the Kingdom of Norway.

Article 5

If at any time there has been a fundamental change in the character of the fishing carried on by Norwegian vessels in the areas described in Article 2 (a) and (b) of this Agreement, the United Kingdom Government may raise the matter with the Norwegian Government and the two Governments shall together review the position.

Article 6

Unless and until the two Governments otherwise agree, the rules of conduct to be enforced by the United Kingdom Government on Norwegian vessels fishing in the areas described in Article 2 (a) and (b) of this Agreement shall be those set out in the Convention for Regulating the Police of the North Sea Fisheries, signed at The Hague on 6th May, 1882.¹

Article 7

The United Kingdom Government shall not require Norwegian vessels to observe any conservation measures which have the effect of abridging the right to fish for dogfish or basking sharks in the areas described in Article 2 (a) and (b) of this Agreement, unless the Norwegian Government has agreed to such measures.

¹ *British and Foreign State Papers*, Vol. 73, p. 39; see also United Nations, *Treaty Series*, Vol. 310, p. 145, and Vol. 475, p. 364.

Article 8

This Agreement is subject to ratification. The exchange of the instruments of ratification shall take place at Oslo as soon as possible, and this Agreement shall enter into force on the date on which the instruments of ratification are exchanged.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at London this 28th day of September, 1964, in the English and Norwegian languages, both texts being equally authoritative.

For the United Kingdom Government :

R. A. BUTLER

For the Norwegian Government :

Arne SKAUG

EXCHANGE OF NOTES

I

The Norwegian Ambassador to the Secretary of State for Foreign Affairs

ROYAL NORWEGIAN EMBASSY

London, 28th September, 1964

Sir,

By the Fishery Agreement of 17th November, 1960,¹ between the Government of the Kingdom of Norway and the Government of the United Kingdom of Great Britain and Northern Ireland, fishing vessels registered in the United Kingdom were permitted to continue to fish until 31st October, 1970, in the Norwegian fishery zone between 6 and 12 miles along the whole of the Norwegian coast. No limitation was imposed as regards the stocks of fish to be exploited.

On the occasion of the signing of the Agreement, the British Chargé d'Affaires at Oslo addressed a note to the Norwegian Minister of Foreign Affairs, in which it was stated that if the United Kingdom Government should contemplate the establishment of a fishery zone in an area contiguous to the territorial sea of the United Kingdom, the United Kingdom would be prepared to make arrangements corresponding to those provided for in the aforesaid Agreement in respect of Norwegian vessels fishing within that zone.

By virtue of such corresponding arrangements, the Government of Norway considered that Norwegian vessels would have had the right to continue to fish until 31st October, 1970, in the fishery zone of the United Kingdom between 6 and 12 miles along the whole of the United Kingdom for any stocks of fish.

During the negotiations in June this year, relating to the continuance of fishing by Norwegian vessels within the fishery zone of the United Kingdom, the United Kingdom delegation found it impossible to grant such corresponding arrangements. As a substitute arrangement, it was agreed that Norwegian fishing in the fishery zone of the United Kingdom was to be restricted to the fishing of dogfish and basking sharks in certain limited areas. In return, however, the period during which this restricted fishing should be allowed was extended to 31st December, 1984.

I have been instructed by my Government to emphasize what was the understanding of the Norwegian delegation, that the right of Norwegian vessels to continue fishing in the fishery zone of the United Kingdom beyond 31st October, 1970, should be a special compensation for the fact that Norwegian fishing in the fishery zone of the United Kingdom would be restricted to certain stocks of fish in limited areas,

¹ United Nations, *Treaty Series*, Vol. 398, p. 189.

and that, consequently, this Agreement should not in any way be taken to form the basis of any claim on the part of the United Kingdom Government for the continuance beyond 31st October, 1970, of the fishing carried on by United Kingdom vessels in the Norwegian fishery zone.

I have the honour to be, with the highest consideration, Sir,

Your most obedient Servant,

Arne SKAUG

II

The Secretary of State for Foreign Affairs to the Norwegian Ambassador

FOREIGN OFFICE, S.W. 1

September 28, 1964

Your Excellency,

I have the honour to refer to Your Excellency's Note of to-day's date, addressed to me on the occasion of the signing of the Agreement between the Government of Great Britain and Northern Ireland and the Government of the Kingdom of Norway for the Continuance of Fishing by Norwegian Vessels within the Fishery Limits of the United Kingdom of Great Britain and Northern Ireland.

In reply I confirm to Your Excellency that it was also the understanding of the United Kingdom delegation to the fishery negotiations that this Agreement should not in any way be taken to form the basis of any claim on the part of the United Kingdom Government for the continuance beyond the 31st of October, 1970, of the fishing carried on by United Kingdom vessels in the Norwegian fishery zone.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

R. A. BUTLER

III

The Secretary of State for Foreign Affairs to the Norwegian Ambassador

FOREIGN OFFICE, S.W. 1

September 28, 1964

Your Excellency,

In connection with the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom

of Norway for the Continuance of Fishing by Norwegian vessels within the Fishery Limits of the United Kingdom of Great Britain and Northern Ireland signed at London to-day, I have the honour to inform Your Excellency that in the interim period before the entry into force of the Agreement, Her Majesty's Government will raise no objection if fishing vessels registered in the Kingdom of Norway continue to fish for dogfish or basking sharks in the areas described in Articles 2 and 3 of the Agreement.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

R. A. BUTLER

IV

The Norwegian Ambassador to the Secretary of State for Foreign Affairs

ROYAL NORWEGIAN EMBASSY

London, 28th September, 1964

Sir,

I have the honour to acknowledge receipt of your note of September 28, 1964, as follows :

[*See note III*]

I have the honour to be, with the highest consideration, Sir,

Your most obedient Servant,

Arne SKAUG