
STATUTORY INSTRUMENTS

1991 No. 2196

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fish Licensing (Variation) Order 1991

<i>Made</i>	- - - -	<i>1st October 1991</i>
<i>Laid before Parliament</i>		<i>3rd October 1991</i>
<i>Coming into force</i>	- -	<i>4th October 1991</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 4, 15(3), 20(1) and 22(2)(a) of the Sea Fish (Conservation) Act 1967(1), and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Sea Fish Licensing (Variation) Order 1991 and shall come into force on 4th October 1991.

Variation of the Sea Fish Licensing Order 1989

2. The Sea Fish Licensing Order 1989(2) shall be varied—
- (a) by omitting article 4 thereof (retention on board of fish);
 - (b) by omitting Schedule 3 thereto (areas of sea and descriptions of sea fish caught therein to which retention on board provisions apply).

Revocation

3. The Sea Fish Licensing (Variation) Order 1990(3) is hereby revoked.

(1) 1967 c. 84; section 4 was amended by the Fishery Limits Act 1976 (c. 86), section 3 and by the Fisheries Act 1981 (c. 29), section 20; section 15(3) was amended by the Sea Fisheries Act 1968 (c. 77), Schedule 1, paragraph 38(3) and by the Fishery Limits Act 1976, Schedule 2, paragraph 16(1); section 4 was applied in relation to British fishing boats registered in the Isle of Man and any of the Channel Islands by the Sea Fish (Conservation) (Manx Boats) Order 1978 (S.I. 1978/281) and the Sea Fish (Conservation) (Channel Islands Boats) Order 1978 (S.I. 1978/280); section 22(2)(a) which contains a definition of “the Ministers” for the purposes of sections 4 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

(2) S.I. 1989/2015; the relevant amending instrument is S.I. 1990/1014.

(3) S.I. 1990/504.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th September 1991.

L.S.

Derek Andrews
Permanent Secretary, Ministry of Agriculture,
Fisheries and Food

1st October 1991

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

30th September 1991

David Hunt
Secretary of State for Wales

1st October 1991

Peter Brooke
Secretary of State for Northern Ireland

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the Sea Fish Licensing Order 1989, as varied, (“the principal Order”) which prohibits fishing, subject to exceptions, by British fishing boats in specified areas of sea for sea fish (other than salmon or migratory trout), unless authorised by a licence.

This Order removes the provision in the principal Order which permitted the retention on board a fishing boat of a quantity of one or more of the descriptions of sea fish specified in an entry in Schedule 3 to that Order not exceeding 10% by weight of the total catch of sea fish on board the boat, the fishing for which was for the time being prohibited, caught in a specified statistical division of ICES VII as a by-catch in the course of lawful fishing for another description of sea fish (article 2). In consequence, section 4(9A) of the Sea Fish (Conservation) Act 1967 requires such a by-catch of fish to be returned to the sea forthwith.

This Order revokes the Sea Fish Licensing (Variation) Order 1990 which is spent (article 3).