

1980 No. 455

FISHERIES

Sea Fish (Minimum Size) Order (Northern Ireland) 1980

Made 19th December 1980

Coming into operation 2nd January 1981

The Department(a) of Agriculture in exercise of the powers conferred on it by section 127 of the Fisheries Act (Northern Ireland) 1966(b) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Sea Fish (Minimum Size) Order (Northern Ireland) 1980 and shall come into operation on 2nd January 1981.

Interpretation

2. In this Order—

“the Council Regulation” means Council Regulation (EEC) No. 2527/80 laying down technical measures for the conservation of fishery resources(c), as extended(d);

“sea fish” does not include salmon;

“size” means—

- (a) in relation to any sea fish, other than scallops and lobsters, the size measured in accordance with the procedure prescribed by Article 11(4) of the Council Regulation.
- (b) in relation to any scallop the size calculated by measuring in a straight line across its greatest length, and
- (c) in relation to any lobster the size calculated by measuring from the rear of either eye socket to the rear end of the carapace along a line parallel to the centre line thereof.

Prescribed minimum sizes

3. For the purposes of sections 127(1) and 127(4) of the Fisheries Act (Northern Ireland) 1966 (which prohibit in Northern Ireland the landing, sale, offering or exposure for sale, or the possession for the purpose of sale, and in certain cases the retention on board any fishing boat in waters adjacent to Northern Ireland, of any sea fish of any description being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description) there are hereby prescribed—

- (a) for any description of sea fish referred to in Annex V of the Council Regulation and taken in the regions identified as region 1, 2 or 3 in Article 1 of that Regulation, the size specified in that Annex in relation to sea fish of that description for that region;
- (b) for any description of sea fish other than mackerel referred to in Annex VI of the Council Regulation and taken in the regions identified as region 1, 2 or 3 in Article 1 of that Regulation, the size specified in that Annex in relation to sea fish of that description for that region in relation to the appropriate period therein specified;

(a) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(b) 1966 c. 17 (N.I.)

(c) O.J. No. L258, 1.10.80, p. 1

(d) By a Decision of the Council made at its meeting on 17.12.80

- (c) for mackerel taken in that part of region 2 referred to in Annex VI of the Council Regulation in relation to mackerel the size specified in the said Annex VI;
- (d) for scallops (*Pecten maximus*) 11 centimetres; and
- (e) for lobsters (*Homarus gammarus*) 8 centimetres.

Exception

4. There are hereby excepted from the prescription in Article 3 of this Order the landing in Northern Ireland of a quantity of sea fish of any description referred to in Article 11(1) of the Council Regulation, being sea fish of a smaller size than that specified in relation to sea fish of that description under Article 3 of this Order, not exceeding the percentage of the total weight of the catch of that description prescribed by the said Article 11(1).

Duration

5. This Order shall cease to have effect on 31st January 1981.

Revocation

6. The Sea Fish (Minimum Size) Order (Northern Ireland) 1976(e) and the Sea Fish (Minimum Size) (Amendment) Order (Northern Ireland) 1979(f) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 19th December 1980.

(L.S.)

N. E. Morrison

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order is made to implement the United Kingdom's obligations to provide for the enforcement in Northern Ireland of Council Regulation (EEC) No. 2527/80 laying down technical measures for the conservation of fishery resources (O.J. No. L258, 1.10.80, p. 1) as extended to 31.1.81 by a Decision of the Council made on 17.12.80. It prescribes for the purposes of sections 127(1) and 127(4) of the Fisheries Act (Northern Ireland) 1966 in relation to any description of sea fish other than salmon or sea trout referred to in Annex V or VI of that Regulation the minimum sizes therein specified for the regions identified as region 1, 2 or 3 in Article 1 of that Regulation (and in the case of those descriptions of sea fish referred to in the said Annex VI for any appropriate period therein specified). The prescription in Article 3 of the Order does not apply to the landing in Northern Ireland of a by-catch of any description of under-sized sea fish referred to in Article 11(1) of the said Council Regulation not exceeding the percentage of the total weight of the catch of that description prescribed by that Article.

The Order revokes the Sea Fish (Minimum Size) Order (Northern Ireland) 1976 (S.R. 1976 No. 333), and the Sea Fish (Minimum Size) (Amendment) Order (Northern Ireland) 1979 (S.R. 1979 No. 235) but retains the minimum sizes for scallops and lobsters of 11 centimetres and 8 centimetres respectively prescribed in the Sea Fish (Minimum Size) Order (Northern Ireland) 1976. Under Sections 127(4) and 127(6) of the Fisheries Act (Northern Ireland) 1966 the retention on board any fishing boat in Northern Ireland waters of under-sized scallops is prohibited. There is no corresponding United Kingdom Order in relation to that species.

A person who commits an offence under section 127 of the Fisheries Act (Northern Ireland) 1966 shall be liable on summary conviction in the case of a first offence, to a fine not exceeding £100 and in the case of a second or subsequent offence, to a fine not exceeding £200.