
STATUTORY INSTRUMENTS

1977 No. 1244

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Sea Fish (Conservation) (Isle of Man) Order 1977

Made - - - - *26th July 1977*
Coming into Operation *1st August 1977*

At the Court at Buckingham Palace, the 26th day of July 1977

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 24(2) and (3) of the Sea Fish (Conservation) Act 1967 and section 11(3) of the Fishery Limits Act 1976 is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Sea Fish (Conservation) (Isle of Man) Order 1977 and shall come into operation on 1st August 1977.

2.—(1) The Interpretation Act 1889 shall apply for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

(2) This Order shall be construed as one with the Sea Fish (Conservation) (Isle of Man) Order 1973(1).

3. The Sea Fish (Conservation) (Isle of Man) (No. 2) Order 1973(2) is hereby revoked.

4. Section 4 of the Sea Fish (Conservation) Act 1967, as substituted by section 3 of the Fishery Limits Act 1976 (which relates to the licensing of fishing boats), shall extend to the Isle of Man subject to the adaptations and modifications specified in the Schedule to this Order.

5. The Schedule to the Sea Fish (Conservation) (Isle of Man) Order 1973 (as originally made) shall be varied as follows:—

(a) in paragraph 15 for the words “section 5” there shall be substituted the words “sections 4 and 5”;

(b) for paragraph 18 there shall be substituted the following paragraph:—

(1) (1973 I, p. 890).
(2) (1973 III, p. 6557).

“For section 11, as amended by the Fishery Limits Act 1976, (penalties for offences) there shall be substituted the following section:—

“**11.**—(1) Any person guilty of an offence under section 1, 3, 4 or 5 of this Act shall be liable—

- (a) in the case of an offence under section 4(3) or 5(1) on summary conviction to a fine not exceeding £50,000 or on conviction on information to a fine;
- (b) in the case of an offence under section 1(3), 3, 4(6) or 5(6), on summary conviction to a fine not exceeding £1,000 or on conviction on information to a fine;
- (c) in the case of an offence under section 4(7) on summary conviction to a fine not exceeding £1,000.

(2) The court by which a person is convicted of an offence may—

- (a) in the case of an offence under section 3, 4(3) or (6) or 5(1) or (6) order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred;
- (b) in the case of an offence under section 1(3), 4(3) or (6) or 5(1) or (6) order the forfeiture of any fish in respect of which the offence was committed;
- (c) in the case of an offence under section 4(3) or 4(6) order that the owner or the charterer (if any) of the fishing boat used to commit the offence or, as the case may be, of the boat named in the licence of which the condition is broken, be disqualified for a specified period from holding a licence under that section in respect of that boat.”;”;

(c) paragraph 19 shall be omitted;

(d) for paragraph 20 there shall be substituted the following paragraph:—

“**20.** In section 15(2) for paragraphs (b) and (c) there shall be substituted the following paragraphs:—

“(b) any fish caught in contravention of a provision imposed by an order under section 4 or 5 of this Act, where the fish are on a fishing boat used in contravention of the prohibition or are in the ownership or custody, or under the control, of the owner, the master or the charterer (if any) of the fishing boat;

(c) any net or other fishing gear used in contravention of a prohibition imposed by an order under the said section 4 or 5;

and paragraph (d) shall be omitted.”;”;

(e) in paragraph 21 for sub-paragraph (b) and (c) there shall be substituted the following provisions:—

“(b) for the words “within the fishery limits of the British Islands” there shall be substituted the words “within British fishery limits (but outside territorial waters)”;

(c) for the words after “the enforcement of” there shall be substituted the words “section 1, 3, 4 or 5 of this Act or any order made thereunder”.”

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N. E. Leigh
Clerk of the Privy Council

SCHEDULE

ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF SECTION 4 OF THE SEA FISH (CONSERVATION) ACT 1967 TO THE ISLE OF MAN AND WATERS ADJACENT THERETO

1. For section 4(1) there shall be substituted the following provision:—
 - “(1) The Ministers may by order provide—
 - (a) that in any specified area within waters adjacent to the Isle of Man (but outside territorial waters) fishing by fishing boats (whether British or foreign) is prohibited unless authorised by a licence granted by the Isle of Man Board of Agriculture and Fisheries (hereinafter called “the Board”) and for the time being in force;
 - (b) that in any area specified in the order (being outside the waters referred to in paragraph (a) above) fishing by British fishing boats registered in the Isle of Man is prohibited unless so authorised.”.
2. For section 4(4) there shall be substituted the following provision:—

“(4) The Board may, with the approval of the Finance Board, make charges for the granting of a licence under this section and may make different charges in relation to different classes of licence.”.
3. In section 4(6) for the words “Minister granting the licence” there shall be substituted the word “Board”.
4. In section 4(7) for the words “Minister granting a licence under this section” there shall be substituted the word “Board”.
5. For section 4(8) there shall be substituted the following subsection:—

“(8) The licensing powers conferred on the Board by this section may be exercised, in consultation with the Ministers, so as to limit the number of fishing boats, or of any class of fishing boats, engaged in fishing in any area, or in fishing in any area for any description of fish, to such extent as appears to the Ministers and the Board to be necessary or expedient for the regulation of sea fishing.”.
6. In section 4(9) for the words “Minister who granted the licence” there shall be substituted the word “Board”.
7. In section 4(10) for the words “Minister who granted it” there shall be substituted the word “Board”.
8. For section 4(11) there shall be substituted the following subsection:—

“(11) The Board may make arrangements, with the consent of the Ministers, for any of its licensing powers under this section to be exercised by any person on its behalf.”.
9. In section 4(12) after the words “United Kingdom” there shall be inserted the words “or the Isle of Man”.
10. After section 4(12) there shall be inserted the following subsections:—

“(13) For the purposes of this section “waters adjacent to the Isle of Man” means the waters extending to 12 miles from the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured but not extending beyond a line every point of which is equidistant from the nearest points of such base lines and the corresponding base lines of the United Kingdom.

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(14) The definitions set out in sections 1(7) and 3(8) of this Act shall have effect for the purposes of this section, but in the definition of “sea fish” the words following “any such fish” shall be omitted.

(15) In this section “miles” means international nautical miles of 1,852 metres.”.

EXPLANATORY NOTE

This Order revokes a previous Order extending section 4 of the Sea Fish (Conservation) Act 1967 to the Isle of Man and extends a new section 4, as substituted by section 3 of the Fishery Limits Act 1976, with adaptations and modifications. The Order also extends to the Isle of Man the increased penalties for contraventions of the 1967 Act provided for in the 1976 Act.