

1978 No. 1287

SEA FISHERIES

LANDING AND SALE OF SEA FISH

The West Coast Haddock (Restrictions on Landing) Order 1978

<i>Made</i> - - - -	30th August 1978
<i>Laid before Parliament</i>	5th September 1978
<i>Coming into Operation</i>	11th September 1978

The Minister of Agriculture, Fisheries and Food, and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland, and the Secretary of State for Wales, jointly in exercise of the powers conferred by sections 6 and 15 of the Sea Fish (Conservation) Act 1967(a), (as the latter section is amended by section 22(1) of, and paragraph 38 of Pt II of Schedule 1 to the Sea Fisheries Act 1968(b) and by section 9(1) of and paragraph 16(1) of Schedule 2 to the Fishery Limits Act 1976(c)) and now vested in them by virtue of Article 2(3) of the Transfer of Functions (Wales) (No. 1) Order 1978(d), and of all other powers enabling them in that behalf, after consultation with the Secretary of State for Trade hereby make the following order:—

Citation and commencement

1. This order may be cited as the West Coast Haddock (Restrictions on Landing) Order 1978 and shall come into operation on 11th September 1978.

Interpretation

2.—(1) In this order—

“west coast area” means the area described in the Schedule to this order.

(2) The Interpretation Act 1889(e) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Prohibition of landing

3. Subject to the provisions of article 4 below during the period from 11th September 1978 until 31 December 1978 (both dates inclusive) landing in the United Kingdom of haddock (*melanogrammus aeglefinus*) caught in the west coast area is prohibited.

(a) 1967 c. 84.
(c) 1976 c. 86.
(e) 1889 c. 63.

(b) 1968 c. 77.
(d) S.I. 1978/272.

Exceptions from prohibition of landings

4.—(1) The prohibition imposed in article 3 shall not apply to the landing in any working week by a fishing boat of haddock (other than undersized haddock) caught by that boat in the west coast area if that landing is carried out—

- (a) by a fishing boat, other than a British fishing boat registered in the United Kingdom; or
- (b) in accordance with the provisions of paragraph (2) below, by a British fishing boat registered in the United Kingdom.

(2) For the purposes of paragraph (1)(b) above, a landing in any working week shall be in accordance with the provisions of this paragraph, if the landed weight of haddock comprised therein, taken together with the landed weight of haddock comprised in, and taken into account, in respect of that week for the purposes of this paragraph, in connection with, any other landing from that fishing boat in that working week does not exceed

- (a) in the case of a voyage undertaken within that working week, a total ascertained on the basis of 8 cwts per member of the crew of that boat;
- (b) in the case of a voyage, which commences in a working week and ends in another, a total ascertained on the basis of 8 cwts per member of the crew of that boat in respect of each working week or part of a working week comprised in the voyage.

Provided that where in the case of a voyage mentioned in paragraph 2(b) above the total quantity of haddock to be landed would, but for this proviso, take account of 8 cwts of haddock per member of the crew in respect of any part of a working week comprised in the voyage being a working week in which a previous landing within the provisions of sub-paragraph (a) or (b) of this paragraph has already taken place, any landing to which such a total relates shall not be in accordance with the provisions of this paragraph, but shall be in accordance with those provisions if, and only if, such total takes account of 8 cwts per member of crew in respect of that part of the working week so comprised in the voyage reduced by the amount already taken into account in respect of that week in relation to that previous landing.

(3) For the purposes of calculation of landed weight, the weight to be taken into account shall be in relation to any haddock landed gutted, the weight of such haddock as so landed and in relation to any haddock landed ungutted, the quotient of the weight of such haddock, so landed, divided by 1.12.

(4) In this article—

- (a) “undersized haddock” means any haddock less than 27 cms in length measured from the tip of its snout to the extreme end of its tail fin;
“working week” means any period of seven days commencing at midnight on any Sunday and ending at midnight on the following Sunday;
- (b) a reference to a member of the crew of a fishing boat includes the master of the fishing boat.

5. Nothing in this order shall prevent the landing of any undersized haddock which may be landed in accordance with the provision of any order made under section 1(5) of the Sea Fish (Conservation) Act 1967 and in force.

Enforcement

6. For the purposes of the enforcement of this order, there are hereby conferred on every British sea fishery officer all the powers of a British sea fishery officer under section 8(2) to (4) of the Sea Fisheries Act 1968, as subsection (4) is amended by section 9(1) of and paragraph 17(1) of Schedule 2 to the Fishery Limits Act 1976.

In Witness Whereof

The Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th August 1978.

John Silkin,
Minister of Agriculture, Fisheries and Food

22nd August 1978
Bruce Millan,
Secretary of State for Scotland

23rd August 1978
Roy Mason,
Secretary of State for Northern Ireland

Signed by authority of the Secretary of State for Wales

30th August 1978
Alec Jones,
Parliamentary Under Secretary of State
Welsh Office

SCHEDULE

Article 2(1)

The waters bounded by a line commencing at the point of intersection of the north coast of Scotland and the meridian of 4°00' west longitude running due north to the parallel of 60°30' north latitude; thence due west to the meridian of 5°00' west longitude; thence due south to the parallel of 60°00' north latitude; thence due west to the meridian of 12°00' west longitude; then due south to the parallel of 54°30' north latitude; thence due east to the coast of the Republic of Ireland; thence in a northerly and easterly direction along the coast of the Republic of Ireland and of Northern Ireland to the point of intersection of the east coast of Northern Ireland and the meridian of 55°00' north latitude, thence due east to the coast of Scotland; thence in a northerly direction along the west coast of Scotland to the point of commencement.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits the landing in the United Kingdom of haddock caught in waters off the West Coast of Scotland (ICES area VIA) by a British fishing boat but excepts from this prohibition the landing of specified quantities of haddock.

The Order also provides that nothing in its provisions prevent the landing of any under-sized haddock which may be lawfully landed by virtue of an Order made under section 1 of the Sea Fish Conservation Act 1967 and confers powers on British sea fishery officers for the purposes of enforcement of the Order.

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