

1983 No. 1204

## SEA FISHERIES

## CONSERVATION OF SEA FISH

**The Herring and White Fish (Specified Manx Waters) Licensing  
Order 1983**

<i>Made - - - -</i>	<i>27th July 1983</i>
<i>Laid before Parliament</i>	<i>15th August 1983</i>
<i>Coming into Operation</i>	<i>5th September 1983</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Scotland, Wales and Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 4, 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967(a), 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 Herring and White Fish (Specified Manx Waters) Licensing Order 1983 and shall come into operation on 5th September 1983.

*Interpretation*

2. In this order—

“length” means—

- (a) in relation to boats registered under Part I of the Merchant Shipping Act 1894(b), the length entered in the certificate of registry pursuant to the requirements of that Part;

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(a) 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).

(b) 1894 c. 60.

(b) in relation to boats not registered under Part I of that Act, the register length calculated in accordance with the rules specified in Schedule 4 to the Merchant Shipping (Fishing Boats Registry) Order 1981(a);

“mile” means an international nautical mile of 1,852 metres;

“specified white fish” means the descriptions of white fish set out in Schedule 1 to this order.

*Prohibition of fishing without licence and exception thereto*

3.—(1) Subject to paragraph (2) of this article, fishing by British fishing boats in the area of sea described in Schedule 2 to this order for herring (*Clupea harengus*) or any specified white fish is hereby prohibited unless authorised by a licence granted by the Isle of Man Board of Agriculture and Fisheries.

(2) The prohibition in paragraph (1) above shall not apply to fishing for any of the specified white fish by any boat whose length is less than 12.19 metres (40 feet).

*Retention on board of fish*

4. Notwithstanding the provisions of section 4(9A)(b) of the Sea Fish (Conservation) Act 1967 (return to the sea of fish the fishing for which is prohibited), there may be retained on board any fishing boat to which this order applies a quantity of sea fish consisting of one or more of the specified white fish, the fishing for which is for the time being prohibited by or under this order, which—

(a) has been taken on board that fishing boat in the area of sea described in Schedule 2 to this order in the course of fishing in that area for other specified white fish or any other description of sea fish the fishing for which is not for the time being prohibited by or under this order or any other enactment; and

(b) does not exceed 10 per cent by weight of the total catch of sea fish on board that fishing boat.

*Enforcement*

5. 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(b).

*Revocation*

6. The Herring (Isle of Man) Licensing Order 1977(c) and the Sea Fishing (Specified Western Waters) (Isle of Man) Licensing Order 1980(d) are hereby revoked.

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(a) S.I. 1981/740.

(b) 1968 c. 77; section 8(3) and (4) was amended by the Fisheries Act 1981, section 26(2) and (3).

(c) S.I. 1977/1389.

(d) S.I. 1980/334.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th July 1983.

(L.S.)

*Michael Jopling,*  
Minister of Agriculture, Fisheries and Food.

*George Younger,*  
Secretary of State for Scotland.

26th July 1983.

*Nicholas Edwards,*  
Secretary of State for Wales.

27th July 1983.

*James Prior,*  
Secretary of State for Northern Ireland.

26th July 1983.

Article 2

SCHEDULE 1

SPECIFIED WHITE FISH

Cod	<i>(Gadus morhua)</i>
Haddock	<i>(Melanogrammus aeglefinus)</i>
Hake	<i>(Merluccius spp)</i>
Megrim	<i>(Lepidorhombus whiffiagonis)</i>
Monkfish	<i>(Lophius spp)</i>
Plaice	<i>(Pleuronectes platessa)</i>
Saithe	<i>(Pollachius virens)</i>
Sole	<i>(Solea solea)</i>
Whiting	<i>(Merlangius merlangus)</i>

## SCHEDULE 2

Articles 3 and 4

AREA OF SEA IN RESPECT OF WHICH PROHIBITION OF FISHING WITHOUT LICENCE  
APPLIES

The area of sea within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured<sup>(a)</sup> but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines of the United Kingdom, and excluding the territorial sea around the Isle of Man.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order consolidates with amendments that part of the Herring (Isle of Man) Licensing Order 1977 which prohibited fishing for herring without a licence by British fishing boats within the twelve-mile belt around the Isle of Man but outside territorial waters and the Sea Fishing (Specified Western Waters) (Isle of Man) Licensing Order 1980, which prohibited fishing in that area of sea by British fishing boats for cod, haddock, whiting, plaice and sole without a licence.

The changes of substance are—

- (a) the addition of hake, megrim, monkfish and saithe to the list of species for which it is prohibited to fish without a licence; and
- (b) the inclusion of a provision permitting the retention on board of a 10% by-catch of a species (except herring) for which it is prohibited to fish, if taken in the course of fishing for a species for which it is not prohibited to fish.

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<sup>(a)</sup> See the Territorial Waters Order in Council 1964 (1965 III, p.6452A, amended by 1979 II, p. 2866).



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