
 STATUTORY INSTRUMENTS

1986 No. 1438

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fish Licensing (Variation) Order 1986

<i>Made</i> - - - -	18th August 1986
<i>Laid before Parliament</i>	26th August 1986
<i>Coming into Operation</i>	27th August 1986

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) 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 Sea Fish Licensing (Variation) Order 1986 and shall come into operation on 27th August 1986.

Variation of the Sea Fish Licensing Order 1983

2. The Sea Fish Licensing Order 1983(b) is hereby varied in accordance with the following provisions of this order.

3. In article 2 thereof (interpretation) there shall be inserted before the definition of Community waters the following definition:—

“CECAF Division 34.1.1 (EC Zone)” means the waters commonly known as the Moroccan coast bounded by a line drawn from a position on the coast of Spain in 36°00' north latitude and 5°36' west longitude (isthmus of Punto Marroqui); thence due west to 13°00' west longitude; thence due south to 29°00' north latitude; thence in a southerly and westerly direction to a

(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) S.I. 1983/1206, varied by S.I. 1983/1881.

position in 26°00' north latitude and 16°00' west longitude; thence due east to a point on the coast of the continent of Africa in 26°00' north latitude; thence in a northerly and easterly direction along the coast of the continent of Africa to a point in 5°36' west longitude; thence due north to the point of commencement.'

4. In article 3(2)(b) thereof (prohibition of fishing without a licence and exceptions thereto)—

(a) for the words "less than 10 metres" there shall be substituted the words "not more than 10 metres"; and

(b) for subparagraph (i) there shall be substituted the following subparagraph:—

"(i) in ICES VII a (*Irish Sea*);".

5. In article 4 thereof (retention on board of fish) for the words "herring, mackerel" there shall be substituted the words "hake (*Merluccius spp*), herring, mackerel, megrim (*Lepidorhombus whiffiagonis*), Norway lobster (*Nephrops norvegicus*), pollack (*Pollachius pollachius*)".

6. In Schedule 1 thereto (ICES statistical sub-areas and divisions) there shall be inserted after the description of ICES Statistical Sub-Area VIII (Bay of Biscay) the following descriptions:—

"ICES Statistical Sub-Area IX (Portuguese Waters)

The waters bounded by a line beginning at a point on the coast of Spain in 43°00' north latitude; thence due west to 18°00' west longitude; thence due south to 36°00' north latitude; thence due east to a point on the coast of Spain (Punta Marroqui isthmus) in 5°36' west longitude; thence in a north-westerly direction along the south-west coast of Spain, the coast of Portugal and the north west coast of Spain to the point of beginning.

ICES Statistical Sub-Area X (Azores Grounds)

The waters bounded by a line beginning at a point in 48°00' north latitude, 18°00' west longitude; thence due west to 42°00' west longitude; thence due south to 36°00' north latitude; thence due east to 18°00' west longitude; thence due north to the point of beginning."

7.— (1) In Schedule 2 thereto (areas of sea and descriptions of sea fish) there shall be inserted:—

(a) before the reference to ICES I in column 1 the following entry:—

"CECAF Division 34.1.1 (EC Zone)"

(b) after the reference to ICES VIII in that column the following entries:—

"ICES IX

ICES X"; and

(c) in relation to each such new entry, in the corresponding part of column 2 the following entry:—

“cod, haddock, saithe”.

(2) In relation to the following entries in column 1 that is to say—

ICES Vb excluding third country waters,
ICES VI,
ICES VIIa,
ICES VIIb, c,
ICES VIId,
ICES VIIe,
ICES VIIf to k

there shall be added in each case to the corresponding entry in column 2 the following descriptions of sea fish, that is to say—

“Norway lobster (*Nephrops norvegicus*), Pollack (*Pollachius pollachius*)”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th August 1986.



Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Gray of Contin,
Minister of State, Scottish Office.

18th August 1986.

Nicholas Edwards,
Secretary of State for Wales.

15th August 1986.

Tom King,
Secretary of State for Northern Ireland.

15th August 1986.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order varies the Sea Fish Licensing Order 1983 as varied ("the 1983 order"), which requires a licence to be obtained for fishing by British fishing boats in specified areas of sea for the principal species of sea fish. The order extends the scope of that requirement to include fishing for cod, haddock and saithe in ICES sub-area IX (Portuguese Waters) and X (Azores Grounds) and in certain waters off the coast of Morocco (articles 3, 6 and 7(1)). This extension gives effect to Council Regulation (EEC) No. 3777/85 (OJ No. L363, 31.12.85, p.1) as extended by Council Regulation (EEC) No. 114/86 (OJ No. L17, 23.1.86 p.4) which amended Council Regulation (EEC) No. 3721/85 (OJ No. L361, 31.12.85, p.5) fixing TACs and quotas for 1986 in consequence of the accession of Spain and Portugal to the European Communities. The order also—

- (a) modifies the exemption from the requirement to obtain a licence to provide that the requirement does not apply to boats not more than 10 metres in length (article 4(a));
- (b) removes that exemption for such boats fishing for herring in the Mourne fishery (article 4(b));
- (c) varies article 4 of the 1983 order which permits the retention on board a fishing boat of a quantity of one of the descriptions of sea fish specified therein, the fishing for which is for the time being prohibited, caught in any part of ICES sub-areas VII or VIII as a by-catch not exceeding ten per cent by weight of the total catch of sea fish on board the fishing boat in the course of lawful fishing for another description of sea fish, by removing hake, megrim, Norway lobster and pollack from the scope of that article, in consequence of which fish of those descriptions, the fishing for which is for the time being prohibited under article 3 thereof, must in all circumstances be returned to the sea forthwith in accordance with the provisions of section 4(9A) of the Sea Fish (Conservation) Act 1967 (inserted by section 20(4) of the Fisheries Act 1981) (article 5); and
- (d) adds Norway lobster and pollack to the species for which it is prohibited to fish without a licence in ICES Vb excluding third country water, ICES VI and ICES VII (article 7(2)).

SI 1986/1438
ISBN 0-11-067438-3

