

1989 No. 1066

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sandeels Licensing Order 1989

<i>Made</i>	<i>26th June 1989</i>
<i>Laid before Parliament</i>	<i>29th June 1989</i>
<i>Coming into force</i>	<i>1st July 1989</i>

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 upon them by sections 4(1)(a) and (2)(a), 15(3) and 22(2) of the Sea Fish (Conservation) Act 1967(a), and of all other powers enabling them in that behalf, hereby make the following Order:-

Title, commencement and interpretation

1.—(1) This Order may be cited as the Sandeels Licensing Order 1989 and shall come into force on 1st July 1989.

(2) In this Order-

“the Act” means the Sea Fish (Conservation) Act 1967;

“sandeels” means sea fish of the family *Ammodytidae*;

“Scottish inshore waters” means the sea adjacent to the coast of Scotland and to the landward of a limit of six miles from the baseline from which the breadth of the territorial sea is measured, up to the mean high water-mark of ordinary spring tides;

“ICES” followed by a roman numeral and a letter shall be construed as a reference to whichever of the statistical sub-areas and divisions of the International Council for the Exploration of the Sea(b) is identified by that roman numeral and letter; and

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

Prohibition of fishing for sandeels without a licence

2. Fishing for sandeels by any British fishing boat within Scottish inshore waters in ICES IVa and ICES VIa is prohibited unless authorised by a licence granted by one of the Ministers.

Powers of British sea-fishery officers in relation to British fishing boats

3.—(1) For the purposes of the enforcement of section 4 of the Act and of this Order a British sea-fishery officer may exercise in relation to any British fishing boat anywhere the powers conferred by paragraphs (2) to (4) of this article.

(a) 1967 c.84; section 4 was substituted by the Fishery Limits Act 1976 (c.86), section 3; section 15(3) was substituted by the Sea Fisheries Act 1968 (c.77), Schedule 1, paragraph 38(3), and amended by the Fishery Limits Act 1976, Schedule 2, paragraph 16(1); section 22(2), which contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which this Order is made, was amended by the Fisheries Act 1981 (c.29), sections 19(2) and 45.

(b) Cmnd. 2586.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) of this article and, in particular,

- (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;
- (b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;
- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 4 of the Act as read with this Order, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search; and
- (d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in sub-paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that an offence under section 4 of the Act as read with this Order has at any time been committed within Scottish inshore waters, he may—

- (a) require the master of the boat in relation to which the offence took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
- (b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th June 1989.



John MacGregor
Minister of Agriculture,
Fisheries and Food

Sanderson of Bowden
Minister of State,
Scottish Office

Peter Walker
Secretary of State for Wales

Tom King
Secretary of State for Northern Ireland

14th June 1989

15th June 1989

21st June 1989

EXPLANATORY NOTE

(This note is not part of the Order) ,

This Order prohibits fishing for sandeels by British fishing boats within Scottish inshore waters, in ICES Divisions IVa and VIa, unless authorised by a licence granted by one of the Fisheries Ministers.

The Order also gives British sea-fishery officers enforcement powers in relation to British fishing boats further to those under section 15(2) of the Sea Fish (Conservation) Act 1967.

Offences and penalties are prescribed respectively by sections 4(3) and 11 of the 1967 Act.