

1989 No. 1285

SEA FISHERIES

CONSERVATION OF SEA FISH

The Undersized Bass Order 1989

<i>Made - - - -</i>	<i>25th July 1989</i>
<i>Laid before Parliament</i>	<i>7th August 1989</i>
<i>Coming into force</i>	<i>1st January 1990</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Wales, acting jointly, in exercise of the powers conferred on them by sections 1(1) and (6) and 20(1) of the Sea Fish (Conservation) Act 1967 (a) and of all other powers enabling them in that behalf, and the said Minister, the said Secretaries of State and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, in exercise of the powers conferred on them by section 15(3) of the said Act and the said section 20(1), 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 Undersized Bass Order 1989 and shall come into force on 1st January 1990.

(2) In this Order—

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

“length” means length from the tip of the snout to the extreme end of the tail fin.

Revocation

2. The Immature Bass Order 1981(b) and the Immature Bass (Variation) Order 1983(c) are hereby revoked.

Size limit for landing bass

3. Subject to article 4 below, for the purpose of section 1(1) of the Act (which prohibits the landing in Great Britain of any sea fish of any description, being a fish of smaller size than such size as may be prescribed in relation to sea fish of that description) a length of 36 centimetres is hereby prescribed in relation to the landing of bass of the species *Dicentrarchus labrax*.

Exemption

4. Landing from fishing boats other than British fishing boats is exempted from the prohibition imposed by section 1(1) of the Act as read with article 3 of this Order.

(a) 1967 c.84; section 1 was substituted by the Fisheries Act 1981 (c.29), section 19(1); section 15 was amended by the Sea Fisheries Act 1968 (c.77), Schedule 1, paragraph 38, the Fishery Limits Act 1976 (c.86), Schedule 2, paragraph 16(1) and the Fisheries Act 1981, section 25(1) and (2); the definition of “Ministers” in section 22(2) was amended by the Fisheries Act 1981, sections 19(2) and 45.

(b) S.I. 1981/535.

(c) S.I. 1983/552.

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

5.—(1) For the purpose of the enforcement of section 1 of the Act and article 3 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.

(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 1 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 subparagraph (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 a contravention of section 1 of the Act as read with this Order has at any time taken place within British fishery limits, 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 21st July 1989.



John MacGregor
Minister of Agriculture, Fisheries and Food

Sanderson of Bowden
Minister of State, Scottish Office

21st July 1989

25th July 1989

Peter Walker
Secretary of State for Wales

25th July 1989

Tom King
Secretary of State for Northern Ireland

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes a minimum size, namely 36 centimetres, below which, by virtue of section 1(5) of the Sea Fish (Conservation) Act 1967, it is an offence in Great Britain to land bass of the species *Dicentrarchus labrax*. In reliance upon the authorisation in Article 14(1) of Council Regulation (EEC) No. 3094/86 (OJ No. L288, 11.10.86, p.1), laying down certain technical measures for the conservation of fishery resources, this Order imposes a stricter minimum landing size for bass landed and, by virtue of section 1(3) of the Sea Fish (Conservation) Act 1967, carried by British fishing boats, than that contained in that Regulation.

There is an exemption for the landing of bass from fishing boats other than British fishing boats. British sea-fishery officers are given enforcement powers in relation to boats to which this Order applies.

Offences and penalties are prescribed respectively by sections 1(7) and 11 of the 1967 Act.

The Order supersedes the Immature Bass Order 1981 and the Immature Bass (Variation) Order 1983 which are revoked.