
STATUTORY INSTRUMENTS

1990 No. 1156

SEA FISHERIES

CONSERVATION OF SEA FISH

The Bass (Specified Areas) (Prohibition of Fishing) Order 1990

<i>Made</i>	- - - -	<i>29th May 1990</i>
<i>Laid before Parliament</i>		<i>6th June 1990</i>
<i>Coming into force</i>	- -	<i>27th June 1990</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 on them by sections 5(1) and (5) and 15(3) as read with section 22(2)(a) of the Sea Fish (Conservation) Act 1967(1) 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 Bass (Specified Areas) (Prohibition of Fishing) Order 1990 and shall come into force on 27th June 1990.

Prohibition

2. Fishing for bass (*Dicentrarchus labrax*) by any fishing boat within any part of the areas described in column 1 of the Schedule to this Order is prohibited during the period specified in relation to each area in column 2 thereof.

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

3.—(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise in relation to any fishing boat which is within British fishery limits 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.

(1) 1967 c. 84; section 5(1) was substituted by section 22(1) of the Fisheries Act 1981 (c. 29); section 15(3) was substituted by paragraph 38(3) of Schedule 1 to the Sea Fisheries Act 1968 (c. 77) and amended by paragraph 16(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86); section 22(2)(a) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which seems 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 5(1) or (6) of the Sea Fish (Conservation) Act 1967(2) 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 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 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 18th May 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

21st May 1990

Sanderson of Bowden
Minister of State, Scottish Office

(2) Sub-section (6) was amended by section 22(2) of the Fisheries Act 1981. By virtue of sub-section (7), where sub-section (6) is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) are guilty of an offence under that sub-section.

21st May 1990

David Hunt
Secretary of State for Wales

29th May 1990

Peter Brooke
Secretary of State for Northern Ireland

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

AREAS AND SPECIFIED PERIODS IN RESPECT OF
WHICH PROHIBITION OF FISHING FOR BASS APPLIES

Column 1 <i>Description of Area</i>	Column 2 <i>Period applying in 1990 and subsequent years</i>
Bradwell Power Station	
The area between the Baffle Wall and the Bradwell foreshore enclosed by lines drawn perpendicular (145° true) from the NE and SW corners of the Baffle Wall to the shore	Between 30 April and 1 November
Grain Power Station	
The area enclosed by a line drawn 120° true through Grain Martello Tower and Grain Hard Buoy to Garrison Point, and a line drawn 114° true from the foreshore at Grain Power Station to the western extremity of the Ro Ro Terminal, and the Isle of Grain and Sheerness foreshores	All year
Kingsnorth Power Station	
The area enclosed by Bee Ness Jetty and a line drawn 204° true to the tip of Oakham Ness Jetty, thence 260° true to the SE tip of Kingsnorth Jetty, and along the seaward arm of Kingsnorth Jetty and then 298° true to the Kingsnorth power station foreshore	All year
Chichester Harbour	
All tidal waters enclosed by a line drawn 192° true from Eastoke Point to Chichester Bar Beacon, then 078° true to Cakeham Tower	Between 30 April and 1 November
Langstone Harbour	
All tidal waters enclosed by a line drawn 153° true from the Gunnery Range Light at Eastney Point to Langstone Fairway Buoy (50° 46.25'N 01° 01.27'W), then 033° true to the foreshore east of Gunner Point	Between 30 April and 1 November
Portsmouth Harbour	
All tidal waters enclosed by a line drawn from Gilkicker Point to Southsea Castle	Between 30 April and 1 November
Southampton Water	
All tidal waters enclosed by a line drawn 090° true from the Cadland foreshore to the Warsash foreshore passing through the north-west extremity of the Esso tanker jetty but excluding those waters above the Redbridge Causeway on the River Test	Between 30 April and 1 November
Fawley Power Station	

Column 1 <i>Description of Area</i>	Column 2 <i>Period applying in 1990 and subsequent years</i>
The area enclosed by a circle drawn with a radius of 3 cables around the outfall from Fawley Power Station	Between 30 April and 1 November
Poole Harbour	
All tidal waters enclosed by a line drawn 011° true from Jerry's Point, through Branksea Castle to Salterns Pier	Between 30 April and 1 November
All tidal waters of the Fleet inside Ferry Bridge	All year
River Exe, Devon	
All tidal waters enclosed by a line drawn 068° true from Langstone Point to Orcombe Point	Between 30 April and 1 November
River Teign	
All tidal waters enclosed by a line drawn 000° true from the Ness to the southernmost leading light	Between 30 April and 1 November
River Dart, Devon	
All tidal waters enclosed by a line drawn 064° true from Combe Point to Inner Froward Point	Between 30 April and 1 January
Salcombe Harbour	
All tidal waters enclosed by a line drawn 090° true from Splat Point to Limebury Point	Between 30 April and 1 January
River Avon, Devon	
All tidal waters enclosed by a line drawn 206° true from Warren Point at Bigbury-on-Sea to Burgh Island, and a line drawn 090° true from the southern tip of Burgh Island to the coast	Between 30 April and 1 January
River Yealm	
All tidal waters enclosed by a line drawn 205° true from Season Point to Mouthstone Point	Between 30 April and 1 January
Plymouth Rivers	
All tidal waters enclosed by a line drawn from the western end of Mountbatten Pier 268° true to the landing beacon at Wilderness Point in the River Tamar	All year
River Fowey	
All tidal waters enclosed by a line drawn 270° true from Penleath Point to the opposite shore	Between 30 April and 1 January
Fal Estuary	
All tidal waters enclosed by a line drawn 045° true from Weir Point to Turnaware Point	Between 30 April and 1 January
Percuil River	
All tidal waters enclosed by a line drawn 151° true from St Mawes Castle to Carricknath Point	Between 30 April and 1 January

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Column 1 <i>Description of Area</i>	Column 2 <i>Period applying in 1990 and subsequent years</i>
Helford River	
All tidal waters enclosed by a line drawn 199° true from Rosemullion Head to Dennis Head	Between 30 April and 1 January
River Camel	
All tidal waters enclosed by a line drawn 116° true from Stepper Point to Trebetherick Point	Between 30 April and 1 December
River Torridge	
All tidal waters enclosed by a line drawn 290° true from Zeta Berth to the opposite shore	Between 30 April and 1 November
River Taw	
All tidal waters enclosed by a line drawn 190° true from the western end of Braunton Pill to the site of the former power station at Yelland	Between 30 April and 1 November
Aberthaw Power Station	
All tidal waters enclosed by a line drawn at a radius of 1 nautical mile from Breaksea Point	All year
Burry Inlet	
All tidal waters enclosed by a line drawn 071° true from Whiteford Lighthouse to Llanelli Docks and a line drawn 180° true from Whiteford Lighthouse to the shore	Between 30 April and 1 November
Taf, Tywi and Gwendraeth Estuary	
All tidal waters enclosed by a line drawn 119° true from Ginst Point to Pen Towyn Point	Between 30 April and 1 November
Milford Haven	
All tidal waters enclosed by a line drawn from the shore along the eastern side of the Texaco Terminal approach jetty to the southernmost part of the T jetty thence eastwards along the southern edge of the jetty to the extremity as No. 3 berth (51° 41.87'N, 04° 57.58'W) and then 098° true through the Pennar Beacon to the Llanreath foreshore (51° 41.55'N, 04° 57.58'W) and by a line drawn 162° true along the seaward side of the Pembroke to Neyland road bridge	Between 30 April and 1 November
River Dyfi	
All tidal waters enclosed by a line drawn 168° true from Trefeddian Hotel (52° 32.8'N, 04° 03.6'W) to the flag pole at Ynys Las (52° 31.4'N, 04° 03.8'W)	Between 30 April and 1 November
River Mawddach	
All tidal waters enclosed by a line drawn 226° true from the flagpole at Barmouth (52° 43.1'N, 04° 03.1'W) to the perch at 52° 42.7'N, 04°	Between 30 April and 1 November

Column 1 <i>Description of Area</i>	Column 2 <i>Period applying in 1990 and subsequent years</i>
03.7°W thence 155° true to the corner of the sea wall at Fairbourne (52° 42.5'N, 04° 03.6'W)	
Dwyrhyd/Glaslyn Estuary	
All tidal waters enclosed by a line drawn 152° true from the White House (52° 54.4'N, 04° 09.1'W) to Harlech Point (52° 53.7'N, 04° 08.5'W)	Between 30 April and 1 November
Conwy Estuary	
All tidal waters enclosed by a line drawn 254° true from the two flag staffs at Deganwy Yacht Club (53° 17.9'N, 03° 50.3'W) to Conwy Morfa (53° 17.3'N, 03° 50.9'W)	Between 30 April and 1 November
Dee Estuary	
All tidal waters enclosed by a line drawn 213° true from Hilbre Point to Mostyn Quay	Between 31 May and 1 October
Heysham Power Station	
All tidal waters enclosed by a line drawn 085° true from No. 7 buoy (54° 01.22'N, 002° 56.28'W) to the shore, a line drawn 020° true from No. 7 buoy towards the Dolphin (54° 02.40'N, 02° 55.52'W), and a line drawn 102° true through the leading lights to Heysham Harbour	Between 31 May and 1 October

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits fishing for bass (*Dicentrarchus labrax*) by any fishing boat within the areas in England and Wales described in the Schedule during the periods specified therein in relation to each area (article 2).

By virtue of section 5(6) of the Sea Fish (Conservation) Act 1967 (as amended by section 22(2) of the Fisheries Act 1981), where, in the course of any fishing operations conducted in the above mentioned areas, at a time when the prohibition is in effect, bass are taken on board any fishing boat those fish shall (subject to section 9 of that Act) be returned to the sea forthwith. British sea-fishery officers are given enforcement powers in relation to boats to which this Order applies (article 3).