
STATUTORY INSTRUMENTS

1990 No. 2052

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fishing (Specified Western Waters)
(Restrictions on Landing) Order 1990

<i>Made</i>	- - - -	<i>16th October 1990</i>
<i>Laid before Parliament</i>		<i>26th October 1990</i>
<i>Coming into force</i>	- -	<i>15th November 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 6(1), (2) and (3), 15(3), 20(1) and 22(2)(a) of the Sea Fish (Conservation) Act 1967(1), and of all other powers enabling them in that behalf, after consultation with the Secretary of State for Transport, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1990 and shall come into force on 15th November 1990.

Interpretation

2. In this Order—

“British fishing boat” means a fishing boat which is registered in the United Kingdom, the Isle of Man or any of the Channel Islands or which, not being so registered, is British-owned;

“Channel Island waters” means the waters within 12 miles from the baselines from which the breadth of the territorial sea adjacent to any of the Channel Islands is measured but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines of France;

(1) 1967 c. 84; section 6(1) is to be read with the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537), Schedule 2, paragraph 10, the Secretary of State (New Departments) Order 1974 (S.I. 1974/692), Schedule 1, Part III and the Transfer of Functions (Trade and Industry) Order 1983 (S.I. 1983/1127), article 2(3); 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 (c. 86), Schedule 2, paragraph 16(1); section 22(2)(a), which contains a definition of “the Ministers” for the purposes of sections 6(1) and 15(3), was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and 45(b).

“ICES” followed by a roman numeral with or without 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⁽²⁾ described in Schedule 1 to this Order is identified therein by that roman numeral or that roman numeral and letter as the case may be;

“length” in relation to a boat, means the length calculated in accordance with the rules specified in Article 2(1) of Council Regulation (EEC) No. 2930/86 defining characteristics for fishing vessels⁽³⁾.

Prohibition on landing

3. Subject to article 4 below, the landing in the United Kingdom of any sea fish (other than salmon or migratory trout) caught in ICES VII or VIII is prohibited.

Exceptions from prohibition

4. The prohibition imposed by article 3 above shall not apply to—
- (a) the landing of any sea fish caught by any fishing boat which is not a British fishing boat;
 - (b) the landing of any sea fish caught by any British fishing boat whose length is not more than 10 metres, except in the case of herring (*Clupea harengus*) caught—
 - (i) in ICES VIIa (Irish Sea);
 - (ii) in ICES VIIg (South-east of Ireland);
 - (iii) in ICES VIIh (Little Sole Bank);
 - (iv) in ICES VIIj (Great Sole Bank);
 - (v) in ICES VIIk (West of Great Sole Bank);
 - (c) the landing of any sea fish caught under the authority of a licence granted by or on behalf of one of the Ministers or the Department of Agriculture, Fisheries and Forestry, the Isle of Man;
 - (d) the landing of any description of sea fish caught in any part of ICES VIId or ICES VIIe respectively which is within Channel Island waters, if fishing for that description of sea fish in the remainder of the relevant ICES division is for the time being authorised by a licence granted by or on behalf of one of the Ministers;
 - (e) the landing of any sea fish caught by any fishing boat used wholly for the purpose of conveying persons wishing to fish for pleasure with rod and line or by handline;
 - (f) the landing of mackerel (*Scomber scombrus*) caught by handline;
 - (g) the landing of a quantity of sea fish consisting of one or more of the descriptions of sea fish referred to in an entry in column 2 of Schedule 2 to this Order which—
 - (i) has been caught in a division of ICES VII referred to in column 1 of that Schedule opposite that entry by the fishing boat landing that quantity otherwise than under the authority of a licence granted by or on behalf of one of the Ministers or the Department of Agriculture, Fisheries and Forestry, the Isle of Man, in the course of fishing in that division of ICES VII for another description of sea fish the fishing for which is not prohibited or being prohibited is authorised by such a licence; and
 - (ii) does not exceed 10 per cent by weight of the landed catch.

(2) Cmnd. 2586.

(3) OJ No. L274, 25.9.86, p. 1.

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

5.—(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise anywhere in relation to any British fishing boat 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 6(5) of the Sea Fish (Conservation) Act 1967⁽⁴⁾ 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 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 contravention 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.

Revocation

6. The Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1987⁽⁵⁾ is revoked.

⁽⁴⁾ Section 6(5) was amended by the Fisheries Act 1981, section 23(3).

⁽⁵⁾ S.I. 1987/1566.

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In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th October 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

11th October 1990

Lord Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

12th October 1990

David Hunt
Secretary of State for Wales

16th October 1990

Peter Brooke
Secretary of State for Northern Ireland

SCHEDULE 1

Article 2

STATISTICAL SUB-AREAS AND DIVISIONS OF THE
INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA

ICES Statistical Sub-Area VII (Irish Sea, West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel)

The waters bounded by a line beginning at a point on the west coast of Ireland in 54°30' north latitude; thence due west to 18°00' west longitude; thence due south to 48°00' north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to a point in 51°00' north latitude; thence due west to the south-east coast of England; thence in a westerly and northerly direction along the coasts of England, Wales and Scotland to a point on the west coast of Scotland in 55°00' north latitude; thence due west to the coast of Northern Ireland; thence in a northerly and westerly direction along the coasts of Northern Ireland and Ireland to the point of beginning.

ICES Statistical Division VIIa (Irish Sea)

The waters bounded by a line beginning at a point on the west coast of Scotland in 55°00' north latitude; thence due west to the coast of Northern Ireland; thence in a southerly direction along the coasts of Northern Ireland and Ireland to a point on the south-east coast of Ireland in 52°00' north latitude; thence due east to the coast of Wales; thence in a north-easterly and northerly direction along the coasts of Wales, England and Scotland to the point of beginning.

ICES Statistical Division VIIb, c (West of Ireland and Porcupine Bank)

The waters bounded by a line beginning at a point on the west coast of Ireland in 54°30' north latitude; thence due west to 18°00' west longitude; thence due south to 52°30' north latitude; thence due east to the coast of Ireland; thence in a northerly direction along the west coast of Ireland to the point of beginning.

ICES Statistical Division VIId (Eastern English Channel)

The waters bounded by a line beginning at a point on the west coast of France in 51°00' north latitude; thence due west to the coast of England; thence in a westerly direction along the south coast of England to 2°00' west longitude; thence in a southerly direction to the coast of France at Cape de la Hague; thence in a north-easterly direction along the coast of France to the point of beginning.

ICES Statistical Division VIIe (Western English Channel)

The waters bounded by a line beginning on the south coast of England in 2°00' west longitude; thence in a southerly and westerly direction along the coast of England to a point on the south-west coast in 50°00' north latitude; thence due west to 7°00' west longitude; thence due south to 49°30' north latitude; thence due east to 5°00' west longitude; thence due south to 48°00' north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to Cape de la Hague; thence in a northerly direction to the point of beginning.

ICES Statistical Division VIIf (Bristol Channel)

The waters bounded by a line beginning at a point on the south coast of Wales in 5°00' west longitude; thence due south to 51°00' north latitude; thence due west to 6°00' west longitude; thence due south to 50°30' north latitude; thence due west to 7°00' west longitude; thence due south to 50°00' north

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latitude; thence due east to the coast of England; thence along the south-west coast of England and the south coast of Wales to the point of beginning.

ICES Statistical Division VIIg (South-east of Ireland)

The waters bounded by a line beginning at a point in 9°00' west longitude on the south coast of Ireland; thence due south to 50°00' north latitude; thence due east to 7°00' west longitude; thence due north to 50°30' north latitude; thence due east to 6°00' west longitude; thence due north to 51°00' north latitude; thence due east to 5°00' west longitude; thence due north to the south coast of Wales; thence in a north-westerly direction along the coast of Wales to a point in 52°00' north latitude; thence due west to the south-east coast of Ireland; thence in a south-westerly direction along the coast of Ireland to the point of beginning.

ICES Statistical Division VIIh (Little Sole Bank)

The waters bounded by a line beginning at a point in 50°00' north latitude 7°00' west longitude; thence due west to 9°00' west longitude; thence due south to 48°00' north latitude; thence due east to 5°00' west longitude; thence due north to 49°30' north latitude; thence due west to 7°00' west longitude; thence due north to the point of beginning.

ICES Statistical Division VIIj (Great Sole Bank)

The waters bounded by a line beginning at a point in 52°30' north latitude on the west coast of Ireland; thence due west to 12°00' west longitude; thence due south to 48°00' north latitude; thence due east to 9°00' west longitude; thence due north to the south coast of Ireland; thence in a westerly and northerly direction along the coast of Ireland to the point of beginning.

ICES Statistical Division VIIk (West of Great Sole Bank)

The waters bounded by a line beginning at a point in 52°30' north latitude, 12°00' west longitude; thence due west to 18°00' west longitude; thence due south to 48°00' north latitude; thence due east to 12°00' west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area VIII (Bay of Biscay)

The waters bounded by a line beginning at a point on the coast of France in 48°00' north latitude; thence due west to 18°00' west longitude; thence due south to 43°00' north latitude; thence due east to the coast of Spain; thence in a northerly direction along the coasts of Spain and France to the point of beginning.

SCHEDULE 2

Article 4(g)

STATISTICAL DIVISIONS OF ICES VII AND DESCRIPTIONS OF SEA FISH CAUGHT THEREIN TO WHICH EXCEPTION FROM LANDING PROHIBITION APPLIES

(1) Statistical division	(2) Description of sea fish
ICES VIIb, c	Whiting
ICES VIId to k	Plaice, sole, whiting

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the the Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1987 (“the 1987 Order”) which prohibited, with exceptions, the landing in the United Kingdom of sea fish of descriptions specified in that Order caught in ICES sub-area VII or VIII. This Order extends the scope of that prohibition to include the landing of any sea fish (other than salmon or migratory trout), subject to exceptions (articles 3 and 4). The prohibition on landing in the 1987 Order did not apply to landing by any British fishing boat whose length was not more than 10 metres. This Order disapplies that exemption in the case of herring caught in certain divisions of ICES sub-area VII (article 4(b)) and amends the definition of “length” to that calculated in accordance with the rules specified in Article 2(1) of Council Regulation ([EEC](#) No. 2930/86 (OJ No. L274, 25.9.86, p. 1) (article 2). The Order also makes two new exemptions to the prohibition on landing (article 4(e) and (f)).

The Order omits the provision in the 1987 Order which permitted the landing of cod, plaice and whiting caught in ICES division VIIa otherwise than under the authority of a licence as a by-catch not exceeding 10% by weight of the landed catch in the course of lawful fishing for another description of sea fish.

British sea-fishery officers are given certain powers for the purpose of the enforcement of the Order (article 5).