
STATUTORY INSTRUMENTS

1992 No. 2633

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fish Licensing Order 1992

Made - - - - - *22nd October 1992*
Laid before Parliament *23rd October 1992*
Coming into force - - *13th November 1992*

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), 20(1) and 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 Sea Fish Licensing Order 1992 and shall come into force on 13th November 1992.

Interpretation

2. In this Order—

“ICES” followed by a roman numeral with a letter shall be construed as a reference to whichever of the statistical divisions of the International Council for the Exploration of the Sea(2) described in the Schedule to this Order is identified therein by that roman numeral and letter;

“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);

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

(1) 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 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).
(2) Cmnd. 2586.
(3) OJ No. L274, 25.9.86, p 1.

Prohibition of fishing without a licence and exceptions thereto

3.—(1) Subject to paragraph (2) below, fishing anywhere by fishing boats which are registered in the United Kingdom or are British-owned is hereby prohibited unless authorised by a licence granted—

- (a) in the case of fishing by British-owned fishing boats registered in the Isle of Man for herring (*Clupea harengus*) in ICES VIIa (Irish Sea), by the Department of Agriculture, Fisheries and Forestry, the Isle of Man; and
 - (b) in any other case, by one of the Ministers.
- (2) The prohibition in paragraph (1) above shall not apply to fishing—
- (a) for salmon or migratory trout;
 - (b) by handline for mackerel (*Scomber scombrus*);
 - (c) by any boat whose length is not more than 10 metres, except in the case of a boat fishing for herring—
 - (i) in ICES VIIa (Irish Sea);
 - (ii) in ICES VIIg (South-east of Ireland);
 - (iii) in ICES VIIIh (Little Sole Bank);
 - (iv) in ICES VIIj (Great Sole Bank);
 - (v) in ICES VIIk (West of Great Sole Bank);
 - (vi) in the Thames and Blackwater coastal area, that is to say the area of sea within a zone delimited by a line running due south from Landguard Point in 51°56' north latitude and 1°19'.1 east longitude to 51°33' north latitude and thence due west to a point on the coast of England;
 - (vii) in the Firth of Clyde, that is to say the area of sea which lies landward of a line drawn from a point on the mainland of Scotland at 55°17'.9 north latitude and 5°47'.8 west longitude (Mull of Kintyre) to a point on the mainland of Scotland at 55°00'.5 north latitude and 5°09'.4 west longitude (Corsewall Point);
 - (d) by any boat used wholly for the purpose of conveying persons wishing to fish for pleasure with rod and line or by handline;
 - (e) in waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man and the Channel Islands respectively 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 adjacent to the United Kingdom and France respectively.

Enforcement

4.—(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) below anywhere in relation to any British fishing boat registered in the United Kingdom and any British-owned fishing boat (not so registered).

(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) above 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 Sea Fish (Conservation) Act 1967 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

5. The Sea Fish Licensing Order 1989(4), the Sea Fish Licensing (Variation) (No.2) Order 1990(5) and the Sea Fish Licensing (Variation) Order 1991(6) are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereto affixed on

19th October 1992.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

(4) S.I.1989/2015.
(5) S.I. 1990/1014.
(6) S.I. 1991/2196.

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Statutory Instruments are not carried in their revised form on this site.

22nd October 1992	<i>Hector Monro</i> Parliamentary Under Secretary of State, Scottish Office
22nd October 1992	<i>Gwilym Jones</i> Parliamentary Under Secretary of State, Welsh Office
21st October 1992	<i>Patrick Mayhew</i> Secretary of State for Northern Ireland

SCHEDULE

Article 2

STATISTICAL DIVISIONS OF THE INTERNATIONAL
COUNCIL FOR THE EXPLORATION OF THE SEA

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 the Republic of Ireland to a point on the south-east coast of the Republic 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 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 the Republic 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 the Republic of Ireland; thence in a south-westerly direction along the coast of the Republic 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 the Republic 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 the Republic of Ireland; thence in a westerly and northerly direction along the coast of the Republic 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.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates with variations the Sea Fish Licensing Order 1989 (“the 1989 Order”), as varied, which prohibited fishing, subject to exceptions, by British fishing boats in specified areas of sea for sea fish, unless authorised by a licence.

This Order extends the requirement for a licence to fishing anywhere by fishing boats which are registered in the United Kingdom or are British-owned (article 3(1)), subject to exceptions (article 3(2)).

British sea-fishery officers are given certain enforcement powers for the purpose of the enforcement of the Order (article 4).

This Order revokes the 1989 Order, together with the Orders which varied it (article 5).