

1976 No. 1324**SEA FISHERIES****BOATS AND METHODS OF FISHING****The Fishing Nets (North-East Atlantic) Order 1976**

<i>Made - - - -</i>	<i>11th August 1976</i>
<i>Laid before Parliament</i>	<i>20th August 1976</i>
<i>Coming into Operation</i>	<i>1st October 1976</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland, in exercise of the powers conferred on them by sections 3 and 15 of the Sea Fish (Conservation) Act 1967(a) as the latter section is amended by section 22(1) of, and paragraph 38 of Schedule 1 to, the Sea Fisheries Act 1968(b) and of all other powers enabling them in that behalf, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Fishing Nets (North-East Atlantic) Order 1976 and shall come into operation on 1st October 1976.

Interpretation

2.—(1) In this order—

“the area dividing line” means a line drawn south from the coast of Greenland along the meridian of 44° west longitude to the parallel of 59° north latitude; thence due east to the meridian of 42° west longitude; thence due south to the parallel of 48° north latitude; thence due east to the meridian of 18° west longitude; thence due north to the parallel of 60° north latitude; thence due east to the meridian of 5° west longitude; thence due north to the parallel of 60° 30' north latitude; thence due east to the meridian of 4° west longitude; thence due north to the parallel of 64° north latitude; thence due east to the coast of Norway;

“foreign fishing boat” means a fishing boat which is neither registered in the United Kingdom, the Channel Islands or the Isle of Man nor exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894(c);

“the Irish Sea” means the area bounded on the north by the parallel of 54° 38' north latitude, on the east by the western coasts of England and Wales, on the south by the parallel of 51° north latitude and on the west by the meridian of 7° west longitude and the eastern coasts of the Republic of Ireland and Northern Ireland;

(a) 1967 c. 84.

(b) 1968 c. 77.

(c) 1894 c. 60.

“net” means any net (not being a purse-seine net or a ring-net) constructed to take fish whilst being towed or hauled through the sea, whether on or near the bottom of the sea or otherwise, by or from a fishing boat;

“topside chafer” means a piece of netting attached to the upperside of the cod-end of a net for the purpose of preventing or reducing wear and tear.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as if this order and the orders hereby revoked were Acts of Parliament.

Revocation of previous orders

3. The Fishing Nets (North-East Atlantic) Order 1971(b) and the Fishing Nets (North-East Atlantic) (Variation) Order 1973(c) are hereby revoked.

Areas to which this order applies

4. This order applies to those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie north of the parallel of 36° north latitude between the meridians of 42° west longitude and 51° east longitude and north of the parallel of 59° north latitude between the meridians of 44° west longitude and 42° west longitude (but excluding the Mediterranean and Baltic Seas and Belts lying to the south and east of lines drawn from Hasenore Head, Denmark, to Griben Point, Denmark, from Korshage, Denmark, to Spodsbjerg, Denmark, and from Gilbjerg Head, Denmark, to Kullen, Sweden).

Sizes of mesh of nets

5. Subject to Article 6 of this order, there shall not be carried—

- (a) in any British fishing boat registered in the United Kingdom, or
- (b) in any foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom

for the purpose of fishing for sea fish in any waters referred to in column 1 of Schedule 1 to this order, any net or part of a net of a type specified in column 2 of Schedule 1 opposite the reference to those waters unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick, and of a width specified in column 3 of Schedule 1 opposite the reference to that type of net, will pass easily through the mesh whether the net is wet or dry.

Defences

6. In any proceedings in respect of a contravention of Article 5 of this order it shall be a sufficient defence to prove that the net to which the proceedings relate—

- (1) (a) had in all its parts meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 16 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry, and
- (b) was being carried solely for the purpose of fishing in waters north of the area dividing line for sea fish of a description specified in Part 1 of Schedule 2 to this order; or

(a) 1889 c. 63.

(b) S.I. 1971/1171 (1971 II, p. 3446)

(c) S.I. 1973/2167 (1973 III, p. 7570).

- (2) (a) being a net of a description specified in paragraph (1)(a) of this Article, had in no part of its cod-end meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 50 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry, and
(b) was being carried solely for the purpose of fishing in waters south of the area dividing line and north of the parallel of 48° north latitude (but excluding the waters east of a line drawn from Hanstholm, Denmark, to Lindesnes, Norway) for sea fish of a description specified in Part 2 of Schedule 2 to this order; or
- (3) was being carried solely for the purpose of fishing in waters north of the area dividing line for clupeoid fish other than herring, eels, great weevers (*Trachinus draco*), horse mackerel (*Trachurus trachurus*), mackerel (*Scomber scombrus*), sand-eels (*Ammodytes*), saury (*Scorpaenopsis scorpaenoides*), shrimps (*Crangon spp.*) or smelts (*Osmerus*); or
- (4) had in no part of its cod-end meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 50 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry and was being carried solely for the purpose of fishing—
 - (a) for sand-eels (*Ammodytes*) in waters south of the area dividing line, or
 - (b) for blue whiting (*Micromesistius poutassou*) in waters south of the area dividing line and north of the parallel of 48° north latitude other than such part of those waters as lies between the parallels of 52° 30' north latitude and 48° north latitude and between the meridians of 7° west longitude and 18° west longitude; or
- (5) (a) had in all its parts meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 40 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry, and
(b) was being carried solely for the purpose of fishing in waters south of the parallel of 48° north latitude for *Dicologlossa* (or *Dicologlossa cuneata* or nephrops; or
- (6) (a) had in all its parts meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 20 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry, and
(b) was being carried solely for the purpose of fishing in waters south of the parallel of 48° north latitude for sardines (*Sardina pilchardus*), prawns (*Pandalus spp.*) or shrimps (*Crangon spp.*).
- (7) was being carried in a British fishing boat solely for the purpose of fishing for nephrops in the Irish Sea and—
 - (a) had in no part of its cod-end meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 50 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry, and

- (b) had in all its parts meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 40 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry,

Provided that this defence shall not apply if any of the sea fish taken in the course of the voyage on which the net to which the proceedings relate was carried, was landed, or was to be landed, at a place other than one bordering upon the Irish Sea; or

- (8) was being carried in a foreign fishing boat solely for the purpose of fishing for nephrops in waters south of the area dividing line and north of the parallel of 48° north latitude other than such part of those waters as is described in paragraph (9)(b) of this Article, and—
 - (a) had in no part of its cod-end meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 50 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry, and
 - (b) had in all its parts meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 16 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry;
- (9) (a) being a net of a description specified in paragraph 8(a) of this Article, had in all its parts meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 40 millimetres broad and 2 millimetres thick would pass easily through the mesh whether the net was wet or dry, and
- (b) was being carried in a foreign fishing boat solely for the purpose of fishing for nephrops in waters bounded by a line drawn from the north coast of Scotland north along the meridian of 4° west longitude to the parallel of 60° 30' north latitude; thence due west to the meridian of 5° west longitude; thence due south to the parallel of 60° north latitude; thence due west to the meridian of 18° west longitude; thence due south to the parallel of 48° north latitude; thence due east to the coast of France; and in the east of the English Channel by the parallel of 51° north latitude.

Attachments to nets

7.—(1) Subject to paragraph (2) of this Article and Article 8 of this order, there shall not be carried—

- (a) in any British fishing boat registered in the United Kingdom, or
- (b) in any foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom

for the purpose of fishing for sea fish in any of the areas to which this order applies, any net which has attached to it any canvas, netting or other material, or has in any of its parts any mesh which is obstructed or diminished in effect by the use of any artifice.

(2) The provisions of this Article shall be without prejudice to the provisions of Articles 6 and 7 of the Fishing Nets (Northwest Atlantic) Order 1971(a) and anything attached to a net or any artifice used in respect of a net in accordance with the provisions of those Articles shall be deemed not to be a contravention of the provisions of this Article.

(a) S.I. 1971/1172 (1971 II, p. 3453).

Exceptions

8. Notwithstanding the prohibition contained in Article 7 of this order, there may be attached—

- (a) any canvas, netting or other material to the underside of the cod-end of a net for the purpose of preventing or reducing wear and tear;
- (b) to the cod-end of any of the nets to which Article 6 of this order applies, a piece of netting having in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 80 millimetres broad and 2 millimetres thick will pass easily through the mesh whether the net is wet or dry, provided that the piece of netting shall consist of heavier material than that of the cod-end to which it is attached; and
- (c) a topside chafer to the cod-end of a trawl net if
 - (i) the chafer is attached for the purpose of fishing for sea fish in waters north of the area dividing line,
 - (ii) the chafer is made of the same material as the cod-end and has in all its parts meshes the dimensions of which are twice the dimensions of the meshes of the cod-end, whether the chafer and the cod-end respectively be wet or dry, and
 - (iii) the chafer is attached to the cod-end along the forward, lateral and rear edges only of the chafer in such a way that each mesh of the chafer coincides with four meshes of the cod-end.

Enforcement

9. For the purpose of the enforcement of this order, there are hereby conferred on every British sea-fishery officer the powers of a British sea-fishery officer under section 8(2) to (4) of the Sea Fisheries Act 1968(a).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd August 1976.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries
and Food.

5th August 1976.

Bruce Millan,
Secretary of State for Scotland.

11th August 1976.

Merlyn Rees,
Secretary of State for
Northern Ireland.

SCHEDULE 1

Article 5

Column 1	Column 2	Column 3
Waters	Type of net	Appropriate width of gauge
(a) Waters north of the area dividing line	(1) Seine net	110 millimetres
	(2) Such part of any trawl net as is made of cotton, hemp, polyamide fibres or polyester fibres	120 millimetres
	(3) Such part of any trawl net as is made of any other material	130 millimetres
(b) Waters south of the area dividing line and north of the parallel of 48° north latitude	(1) Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal	70 millimetres
	(2) Such part of any trawl net as is made of double twine and contains no manila or sisal	75 millimetres
	(3) Such part of any trawl net as is made of manila or sisal	80 millimetres
(c) Waters south of the parallel of 48° north latitude	(1) Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal	60 millimetres
	(2) Such part of any trawl net as is made of double twine and contains no manila or sisal	65 millimetres
	(3) Such part of any trawl net as is made of manila or sisal	70 millimetres

Article 6(1) and (2)

SCHEDULE 2

DESCRIPTION OF FISH

PART 1

Blue whiting (*Micromesistius poutassou*)

Capelin (*Mallotus villosus*)

Herring (*Clupea harengus*)

Molluscs

Nephrops

Norway pout (*Trisopterus esmarkii*)

Polar cod (*Boreogadus saida*)

Prawns (*Pandalus spp*)

Silver pout (*Gadiculus thorii*)

Silver smelts (*Argentina sp*)

PART 2

Blue whiting (*Micromesistius poutassou*)

Capelin (*Mallotus villosus*)

Clupeoid fish

Eels

Great weevers (*Trachinus draco*)

Horse mackerel (*Trachurus trachurus*)

Mackerel (*Scomber scombrus*)

Molluscs

Norway pout (*Trisopterus esmarkii*)

Polar cod (*Boreogadus saida*)

Prawns (*Pandalus spp*)

Saury (*Scomberesox saurus*)

Shrimps (*Crangon spp*)

Silver smelts (*Argentina sp*)

Smelts (*Osmerus*)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which supersedes the Fishing Nets (North-East Atlantic) Order 1971, prescribes minimum sizes of mesh for the fishing nets carried—

- (a) in registered British fishing boats, or
 - (b) in foreign fishing boats within the fishery limits of the British Islands adjacent to the United Kingdom
- for fishing in areas specified in the order.

The Order also regulates the attachment to nets of canvas, netting or other material.

The principal changes are—

- (1) Apart from bags which may be used under Article 8(b) to strengthen the cod-end of authorised small mesh nets, only one type of topside chafer (commonly known as the Polish type topside chafer) may now be attached to nets.
- (2) Nets which have meshes smaller than those prescribed may be carried for fishing for specified descriptions of sea fish but in most cases a minimum mesh size of 16 millimetres has now been prescribed.
- (3) Nets carried in registered British fishing boats for the purpose of fishing for nephrops in the Irish Sea may not have meshes smaller than 40 millimetres.
- (4) Small mesh nets previously authorised for fishing for whiting in part of the Irish Sea are no longer authorised.
- (5) The area formerly referred to as the Faroes area now forms part of the waters north of the area dividing line.

SI 1976/1324
ISBN 0-11-061324-4

