
 STATUTORY INSTRUMENTS

1976 No. 2094

SEA FISHERIES

LANDING AND SALE OF SEA FISH

**The Herring By-Catch (Restrictions on Landing) (No. 2)
Order 1976**

Made - - - - 6th December 1976

Laid before Parliament 10th December 1976

Coming into Operation 1st January 1977

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 6 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 Part II of Schedule 1 to, the Sea Fisheries Act 1968(b) and of all other powers enabling them in that behalf, after consultation with the Secretary of State for Trade(c), hereby make the following order:—

Citation and commencement

1. This order may be cited as the Herring By-Catch (Restrictions on Landing) (No. 2) Order 1976 and shall come into operation on 1st January 1977.

Interpretation

2.—(1) In this order unless the context otherwise requires—

“herring by-catch” means any herring (*Clupea harengus*) comprised in a catch of mixed fisheries;

“mixed fisheries” means any catch of which more than 50 per cent. consists of one or more of the species described in Schedule 1 to this order;

“specified waters” means the waters described in Schedule 2 to this order.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Prohibition on landing

3. The landing in the United Kingdom of any herring by-catch caught in specified waters is hereby prohibited.

(a) 1967 c. 84.

(b) 1968 c. 77.

(c) For transfer of functions from the Board of Trade to the Secretary of State for Trade and Industry, and subsequently to the Secretary of State for Trade, see the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537 (1970 III, p. 5293)) and the Secretary of State (New Departments) Order 1974 (S.I. 1974/692 (1974 I, p. 2711)).

(d) 1889 c. 63.

Exceptions from prohibition on landing

4. Notwithstanding the prohibition contained in Article 3 of this order and the prohibitions contained in Article 4 of the Herring (Restrictions on Landing) Order 1976(a) (which prohibits the landing in the United Kingdom of under-sized herring and herring taken within the waters comprised in the North Sea or off the West Coast) a herring by-catch caught in the specified waters may be landed in the United Kingdom if—

- (a) the herring are comprised in a catch of sprats (*Sprattus sprattus*) caught in the specified waters and do not exceed in weight 10 per cent. of the total weight of the catch determined on the basis of a sample selected by a British sea-fishery officer and being a quantity not less than two kilograms in weight taken from any part of the catch; or
- (b) the herring are comprised in mixed fisheries (excluding sprats) caught in the specified waters and do not exceed in weight 5 per cent. of the total weight of the catch determined on the basis of a sample selected in accordance with paragraph (a) of this Article.

Powers of British sea-fishery officers

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

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd December 1976.

John Silkin,
Minister of Agriculture, Fisheries and Food.

Bruce Millan,
Secretary of State for Scotland.

2nd December 1976.

Roy Mason,
Secretary of State for Northern Ireland.

6th December 1976.

SCHEDULE 1

Article 2

Mackerel (<i>Scomber scombrus</i>)	Shrimps
Clupeoid fish other than herring	Prawns
Sand-eels (<i>Ammodytes</i>)	Nephrops
Norway pout (<i>Trisopterus esmarkii</i>)	Molluscs
Smelts (<i>Osmerus</i>)	Saury (<i>Scombresox saurus</i>)
Great Weevers (<i>Trachinus draco</i>)	
Capelin (<i>Mallotus villosus</i>)	
Horse Mackerel (<i>Trachurus trachurus</i>)	
Blue Whiting (<i>Micromesistius poutassou</i>)	
Polar Cod (<i>Boreogadus saida</i>)	

SCHEDULE 2

Article 2

The waters, excluding the Kattegat, bounded on the south by a line running due west from a point on the coast of France at 48°00' north latitude to the meridian of 18°00' west longitude; thence due north to the parallel of 60°00' north latitude; thence due east to the meridian of 5°00' west longitude; thence due north to the parallel of 60°30' north latitude; thence due east to the meridian of 4°00' west longitude; thence due north to the parallel of 62°00' north latitude; thence due east to the coast of Norway.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order prohibits the landing in the United Kingdom of any by-catches of herring taken in mixed fisheries caught in the North Sea and other waters surrounding the United Kingdom. Exemptions are provided when the weight of the herring by-catch amounts to 10 per cent. or less of the total weight of any sprat catch landed or 5 per cent. or less of the total weight of mixed fisheries. The order takes account of an existing order governing the landing in the United Kingdom of herring taken from the North Sea and from West Coast waters.

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