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## STATUTORY INSTRUMENTS

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1976 No. 2095

### SEA FISHERIES

#### LANDING AND SALE OF SEA-FISH

#### The Herring (Restrictions on Landing) 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 (Restrictions on Landing) Order 1976 and shall come into operation on 1st January 1977.

#### *Interpretation*

2.—(1) In this order—

“undersized herring” means any herring comprising a catch from which a sample, on being selected by a British Sea Fishery Officer and on being weighed by him, is shown to comprise herring which count out to an average number per kilogram in excess of 12.

(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 and as if this order and the orders hereby revoked were Acts of Parliament.

#### *Revocation of Previous Orders*

3. The North Sea Herring (Restrictions on Landing) Order 1974(e) and the West Coast Herring (Restrictions on Landing) Order 1974(f) are hereby revoked.

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(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.

(e) S.I. 1974/881 (1974 II, p. 3357).

(f) S.I. 1974/2207 (1974 III, p. 8627).

*Prohibition of Landings*

4.—(1) Without prejudice to the provisions of Article 4 of the Herring By-Catch (Restrictions on Landing) (No. 2) Order 1976(a) the landing in the United Kingdom of undersized herring taken within the waters comprised in the North Sea or off the west coast being the areas of sea respectively so described in the Schedule to this order is hereby prohibited; and

(2) Subject to paragraph (1) of this Article the landing in the United Kingdom of herring (*clupea harengus*) taken within the waters described in the said Schedule is also prohibited unless such herring are landed within 24 hours of being caught, or, if not so landed, were, immediately on being caught, packed in ice in boxes, stored in a refrigerated sea water tank or otherwise processed in such a way so as to secure preservation for human consumption.

*Enforcement*

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,*

2nd December 1976

Secretary of State for Scotland.

*Roy Mason,*

6th December 1976

Secretary of State for Northern Ireland.

(a) S.I. 1976/2094 (1976 III, p. 5783).

*Article 4*

## SCHEDULE

## THE NORTH SEA

The area of sea bounded by a line drawn from a point having the co-ordinates of 62° north latitude and 4° west longitude, due south to the north coast of Scotland, thence generally south-eastwards along the north and east coasts of Scotland and the east coast of England, thence westwards along the south coast of England to the meridian of 1° west longitude, thence due south to the coast of France, thence generally in a north-easterly direction along the coasts of France, Belgium, the Netherlands, the Federal Republic of Germany and Denmark to Skagen Point, thence along a rhumb line to the Pater Noster Lighthouse on the coast of Sweden, thence generally in a north-westerly, south-westerly and northerly direction along the coasts of Sweden and Norway to the parallel of 62° north latitude, thence due west to the meridian of 4° west longitude.

## WATERS OFF THE WEST COAST

The area of sea bounded by lines drawn:

- (a) From a point on the North Coast of Scotland at 4° 00' west longitude northwards to 60° 30' north latitude; thence westwards to 5° 00' west longitude; thence southwards to 60° 00' north latitude; thence westwards to 12° 00' west longitude; thence southwards to 54° 30' north latitude; and thence eastwards to the coast of the Republic of Ireland; and
- (b) At 55° 00' north latitude from a point on the East Coast of Northern Ireland to a point on the West Coast of Scotland.

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EXPLANATORY NOTE

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

This Order implements recommendations by the North East Atlantic Fisheries Commission prohibiting the landing of any undersized herring taken from the North Sea or from waters off the west coast of Scotland.

It also bans the landing in the United Kingdom of any herring, other than undersized herring, taken from the North Sea or from waters off the west coast unless such herring are landed within 24 hours of being caught, or if landed later, were, on being caught, immediately packed in ice in boxes, stored in refrigerated sea water tanks or otherwise processed in such a way so as to secure preservation for human consumption. The order takes account of an existing order governing the landing in the United Kingdom of by-catches of herring.

The North Sea Herring (Restrictions on Landing) Order 1974, and the West Coast Herring (Restrictions on Landing) Order 1974 are superseded by this Order.

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