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 STATUTORY INSTRUMENTS
 

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1981 No. 1870

## SEA FISHERIES

## LANDING AND SALE OF SEA FISH

## The Immature Sea Fish Order 1981

|                               |                    |
|-------------------------------|--------------------|
| <i>Made</i> - - - - -         | 30th December 1981 |
| <i>Laid before Parliament</i> | 31st December 1981 |
| <i>Coming into Operation</i>  | 1st January 1982   |

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Wales in exercise of the powers conferred on them by section 1(1), (2), (3), (4) and (6) of the Sea Fish (Conservation) Act 1967(a) and the said Minister, the said Secretaries of State and the Secretary of State concerned with the sea fishing industry in Northern Ireland in exercise of the powers conferred on them by section 15(3) of the said Act(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 Immature Sea Fish Order 1981 and shall come into operation on 1st January 1982.

*Interpretation*

2.—(1) In this order—

“ICES V” means the area of sea (commonly known as the Iceland and Faroes Grounds) bounded by a line beginning at a point in 68° 00' North latitude 11° 00' West longitude; thence due west to 27° 00' West longitude; thence due south to 62° 00' North latitude; thence due east to 15° 00' West longitude; thence due south to 60° 00' North latitude; thence due east to 5° 00' West longitude; thence due north to 60° 30' North latitude; thence due east to 4° 00' West longitude; thence due north to 63° 00' North latitude; thence due west to 11° 00' West longitude; thence due north to the point of beginning;

“ICES VIIa” means the area of the sea (commonly known as the Irish Sea) 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;

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(a) 1967 c. 84; section 1 was amended by the Fisheries Act 1981 (c. 29).

(b) Section 15(3) was amended by the Sea Fisheries Act 1968 (c. 77), section 22(1) and Schedule 1, paragraph 38(3) and by the Fishery Limits Act 1976 (c. 86), section 9(1) and Schedule 2, paragraph 16(1).

“ICES XIV” means the area of sea (commonly known as East Greenland) bounded by a line from the geographic North Pole along the meridian of 40° 00' West longitude to the north coast of Greenland; thence in an easterly and southerly direction along the coast of Greenland to a point in 44° 00' West longitude; thence due south to 59° 00' North latitude; thence due east to 27° 00' West longitude; thence due north to 68° 00' North latitude; thence due east to 11° 00' West longitude; thence due north to the geographic North Pole;

“NAFO sub-area 1” has the meaning assigned to it by Annex III, paragraph 2(a), to the Convention on Future Multilateral Co-operation in the North West Atlantic Fisheries(a);

“North Sea” means the area of sea bounded by a line beginning at a point on the coast of Norway in 64° 00' North latitude; thence due west to 4° 00' West longitude; thence due south to the coast of Scotland; thence in an easterly and southerly direction along the coasts of Scotland and England to a point in 51° 00' North latitude; thence due east to the coast of France; thence in a north-easterly direction along the coasts of France, Belgium, the Netherlands and the Federal Republic of Germany to the western terminus of its boundary with Denmark; thence along the west coast of Jutland to Thyborøn; thence in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; thence across the eastern entrance of the Limfjord to Hals; thence in a westerly direction along the north coast of Limfjord to the southernmost point of Agger Tange; thence in a northerly direction along the west coast of Jutland to a point in 57° 00' North latitude; thence due west to 8° 00' East longitude; thence due north to 57° 30' North latitude; thence due west to 7° 00' East longitude; thence due north to the coast of Norway; thence in a north-westerly direction along the coast of Norway to the point of beginning;

“Region 1” means the area of sea lying to the north and the west of a line running from a point at 48° 00' North latitude, 18° 00' West longitude; thence due north to 60° 00' North latitude; thence due east to 5° 00' West longitude; thence due north to 60° 30' North latitude; thence due east to 4° 00' West longitude; thence due north to 64° 00' North latitude; thence due east to the coast of Norway;

“Region 2” means the area of sea lying to the north of 48° 00' North latitude, but excluding Region 1 and the Baltic Sea and the belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen;

“Region 3” means the area of the Northeast Atlantic Sea lying to the south of 48° 00' North latitude;

“size” means, in relation to any description of sea fish except nephrops (*Nephrops norvegicus*), length measured in centimetres from the tip of the snout to the end of the tail fin and, in relation to nephrops, carapace length measured in centimetres parallel to the midline from the back of either eye-socket to the rear edge of the carapace;

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(a) Annexed to Council Regulation (EEC) No 3179/78 of 28th December 1978 concerning the conclusion by the European Economic Community of the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries (OJ No L378, 30.12.78, p. 1) as amended by article 1 of, and the Annex to, Council Regulation (EEC) No 654/81 of 10th March 1981 amending Regulation (EEC) No 3179/78 (OJ L69, 14.3.81, p. 1).

“Skagerrak and Kattegat” means the area of sea bounded by a line beginning at a point on the coast of Norway in 7° 00' East longitude; thence due south to 57° 30' North latitude; thence due east to 8° 00' East longitude; thence due south to 57° 00' North latitude; thence due east to the coast of Denmark; thence along the north-west and east coasts of Jutland to Hals; thence across the eastern entrance of the Limfjord to Egensekloster Point; thence in a southerly direction along the coast of Jutland to Hasenore Head; thence across the Great Belt to Griben Point; thence along the north coast of Zealand to Gilbjerg Head; thence across the northern approaches of the Øresund to the Kullen, on the coast of Sweden; thence in an easterly and northerly direction along the west coast of Sweden and the south coast of Norway to the point of beginning;

“undersized fish” means a sea fish of any description referred to in column 1 of Schedule 1, being a fish of a size less than that prescribed in relation to sea fish of that description by article 3(1) or (2).

(2) Any reference in this order to a numbered article or Schedule shall be construed as a reference to the article of, or Schedule to, this order which bears the number so indicated.

(3) References in this order to an area of sea do not include any part of that area which lies outside the sovereignty of jurisdiction of any Member State of the Communities.

#### *Prescribed minimum sizes*

3.—(1) For the purposes of section 1(1) of the Sea Fish (Conservation) Act 1967 (which prohibits the landing in Great Britain of any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description), there is hereby prescribed in relation to sea fish of any description referred to in column 1 of Schedule 1, being fish caught in Region 1, 2 or 3, the size specified in the column containing in its heading the name of the Region in which the fish was caught opposite the reference to sea fish of that description in column 1.

(2) For the purposes of section 1(2) of the Sea Fish (Conservation) Act 1967 (which prohibits in Great Britain the sale, exposure or offering for sale or possession for the purpose of sale of any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description), there is hereby prescribed in relation to sea fish of any description referred to in column 1 of Schedule 1 the size specified in column 3 of that Schedule opposite the reference to sea fish of that description in column 1.

#### *Prohibition*

4. There is hereby prohibited the carrying by any foreign fishing boat in waters adjacent to the United Kingdom and within British fishery limits of sea fish of any description caught in Region 1, 2 or 3 which are of less than the minimum size prescribed by article 3(1) in relation to sea fish of that description caught in that Region.

#### *Exemption*

5. There are hereby exempted from the prohibitions respectively imposed by section 1(1), (2) or (3) of the Sea Fish (Conservation) Act 1967 and article 4—

- (a) the landing of a quantity of any description of sea fish referred to in column 1 of Schedule 2, being fish of a size less than that prescribed in relation to that description by article 3(1), caught in an area of sea specified in column 2 of that Schedule opposite the reference to that description in column 1 and not exceeding the percentage of the total weight of the catch of that description specified in column 3 in relation to that description caught in that area;
- (b) the sale, exposure or offering for sale or possession for the purpose of sale of sea fish of any description specified in column 1 of Schedule 1, caught in Region 3, being of a size less than that prescribed by article 3(2) in relation to sea fish of that description, if the sea fish are of a size equal to or greater than the size prescribed for the purpose of landing in Great Britain by article 3(1) in relation to sea fish of that description caught in that Region;
- (c) the carrying on any British fishing boat in Region 1, 2 or 3 of sea fish of any description caught in another Region and of a size less than that prescribed by article 3(1) in relation to sea fish of that description caught in the Region in which they are carried if the sea fish so carried are of a size equal to or greater than the size prescribed by the said article in relation to sea fish of that description caught in the other Region;
- (d) the carrying, landing, sale, exposure or offering for sale or possession for the purpose of sale of undersized fish caught with a net complying with article 5 of the Fishing Nets Order 1981(a) (which permits the use of small meshed nets for the purpose of catching certain fish) so long as fish so caught form part of the catch not intended for human consumption and the weight of such fish does not exceed in the aggregate 10 per cent. of the total weight of that catch.

#### *Enforcement*

6. 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(b).

#### *Duration*

7. This order shall cease to have effect on 31st March 1982.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th December 1981.

(L.S.)

*Peter Walker,*  
Minister of Agriculture, Fisheries and Food.

23rd December 1981.

*George Younger,*  
Secretary of State for Scotland.

23rd December 1981.

*Nicholas Edwards,*  
Secretary of State for Wales.

23rd December 1981.

*James Prior,*  
Secretary of State for Northern Ireland.

(a) S.I. 1981/1869.

(b) 1968 c. 77; section 8(3) and (4) were amended by the Fisheries Act 1981 (c. 29), section 26(2) and (3).

## SCHEDULE 1

(Article 3)

## PRESCRIBED MINIMUM SIZES FOR SEA FISH

| Column 1  | Column 2        | Column 3         | Column 4 |
|---|-----------------|------------------|----------|
| Descriptions of sea fish                          | Region 1        | Region 2         | Region 3 |
|   | cm              | cm               | cm       |
| Cod ( <i>Gadus morrhua</i> )                      | 34 <sup>1</sup> | 30 <sup>2</sup>  | 30       |
| Haddock ( <i>Melanogrammus aeglefinus</i> )       | 31              | 27               | 27       |
| Hake ( <i>Merluccius merluccius</i> )             | 30              | 30               | 30       |
| Plaice ( <i>Pleuronectes platessa</i> )           | 25              | 25 <sup>3</sup>  | 25       |
| Witch ( <i>Glyptocephalus cynoglossus</i> )       | 28              | 28               | 28       |
| Lemon sole ( <i>Microstomus kitt</i> )            | 25              | 25               | 25       |
| Sole ( <i>Solea solea</i> )                       | 24              | 24               | 24       |
| Turbot ( <i>Psetta maxima</i> )                   | 30              | 30               | 30       |
| Brill ( <i>Scophthalmus rhombus</i> )             | 30              | 30               | 30       |
| Megrim ( <i>Lepidorhombus</i> spp)                | 25              | 25               | 25       |
| Whiting ( <i>Merlangius merlangus</i> )           | 27              | 27 <sup>4</sup>  | 23       |
| Dab ( <i>Limanda limanda</i> )                    | 15              | 15 <sup>4</sup>  | 15       |
| Saithe ( <i>Pollachius virens</i> )               | 35              | 30               | 30       |
| Common sea bream ( <i>Pagellus centaurichus</i> ) | —               | —                | 12       |
| Red mullet ( <i>Mullus surmuletus</i> )           | —               | —                | 15       |
| Conger eel ( <i>Conger conger</i> )               | —               | —                | 58       |
| Pollack ( <i>Pollachius pollachius</i> )          | —               | —                | 22       |
| Ling ( <i>Molva molva</i> )                       | —               | —                | 63       |
| Shad ( <i>Alosa</i> spp)                          | —               | —                | 30       |
| Sturgeon ( <i>Acipenser sturio</i> )              | —               | —                | 145      |
| Grey mullet ( <i>Mugil</i> spp)                   | —               | —                | 20       |
| Flounder ( <i>Platichthys flesus</i> )            | —               | 20 <sup>5</sup>  | —        |
| Herring ( <i>Clupea harengus</i> )                | 20              | 20 <sup>6</sup>  | 20       |
| Mackerel ( <i>Scomber scombrus</i> )              | —               | 30 <sup>7</sup>  | —        |
| Nephrops ( <i>Nephrops norvegicus</i> )           | —               | 2.5 <sup>8</sup> | 2.0      |

<sup>1</sup> Except in NAFO sub-area 1, plus ICES XIV and V, where the minimum size shall be 40 cm.

<sup>2</sup> Except in ICES VIIa where the minimum size shall be 45 cm.

<sup>3</sup> Except in Skagerrak and Kattegat where the minimum size shall be 27 cm.

<sup>4</sup> Except in Skagerrak and Kattegat where the minimum size shall be 23 cm.

<sup>5</sup> In Skagerrak and Kattegat only.

<sup>6</sup> Except in Skagerrak and Kattegat where the minimum size shall be 18 cm.

<sup>7</sup> In North Sea only.

<sup>8</sup> Except in Skagerrak and Kattegat where the minimum size shall be 4.0 cm.

## SCHEDULE 2

(Article 5(a))

## EXEMPTIONS FOR UNDERSIZED FISH OF SPECIFIED DESCRIPTIONS

| Column 1                             | Column 2               | Column 3                                |
|--------------------------------------|------------------------|---|
| Descriptions of sea fish             | Areas of sea           | Permitted percentage of undersized fish |
| Herring ( <i>Clupea harengus</i> )   | All                    | 10 per cent.                            |
| Mackerel ( <i>Scomber scombrus</i> ) | All                    | 15 per cent.                            |
| Saithe ( <i>Pollachius virens</i> )  | Skagerrak and Kattegat | 10 per cent.                            |

## EXPLANATORY NOTE

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

This order prescribes for the purposes of section 1 of the Sea Fish (Conservation) Act 1967, as amended, ("the 1967 Act"), minimum sizes for the descriptions of sea fish referred to in Schedule 1 to the order and prohibits the carrying within United Kingdom fishery limits by foreign fishing boats of such sea fish if they are of less than the prescribed size. There are exempted from the prohibitions imposed by section 1(1), (2) or (3) of the 1967 Act and article 4 of this order—

- (a) the landing of undersized herring or mackerel (or of undersized saithe caught in the Skagerrak and Kattegat) not exceeding a specified proportion of the total weight of the catch of the relevant species (article 5(a));
- (b) the sale of any sea fish of less than the minimum size prescribed for that purpose if such sea fish were lawfully landed in Great Britain (article 5(b));
- (c) the carrying on any British fishing boat in any of the waters to which the order relates of any sea fish which could lawfully be landed in Great Britain by that fishing boat (article 5(c));
- (d) the carrying, landing or sale of a by-catch of fish of less than the prescribed minimum size taken in the course of a small mesh fishery if such fish are not intended for human consumption (article 5(d)).

The order confers on British sea-fishery officers powers of inspection for the purposes of enforcement. If the order is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) are each liable on summary conviction to a fine not exceeding £1,000.00 and on conviction on indictment to an unlimited fine.

The order will cease to have effect on 31st March, 1982.

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