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STATUTORY INSTRUMENTS

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**1987 No. 1565**

**SEA FISHERIES**

**CONSERVATION OF SEA FISH**

**The Sea Fish Licensing (Variation) Order 1987**

<i>Made</i>	- - - -	<i>4th September 1987</i>
<i>Laid before Parliament</i>		<i>7th September 1987</i>
<i>Coming into force</i>	- -	<i>8th September 1987</i>

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) and 20(1) 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 (Variation) Order 1987 and shall come into force on 8th September 1987.

**Variation of the Sea Fish Licensing Order 1983**

2. The Sea Fish Licensing Order 1983(2) is hereby varied in accordance with the following provisions of this Order.

3. In article 3(1) thereof (prohibition of fishing without a licence and exceptions thereto), for the words “Isle of Man Board of Agriculture and Fisheries” there shall be substituted the words “Department of Agriculture, Fisheries and Forestry, the Isle of Man”.

4. In article 3(2)(b) thereof after paragraph (v) the word “or” shall be omitted and after paragraph (vi) there shall be inserted the following —

“; or

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(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 4 was applied in relation to British fishing boats registered in the Isle of Man and any of the Channel Islands by the Sea Fish (Conservation) (Manx Boats) Order 1978 (S.I. 1978/281) and the Sea Fish (Conservation) (Channel Islands Boats) Order 1978 (S.I. 1978/280); 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) S.I. 1983/1206, varied by S.I. 1983/1881 and S.I. 1986/1438.

(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)".

5. For article 4 thereof (retention on board of fish) there shall be substituted the following article —

**"Retention on board of fish**

4. Notwithstanding the provisions of section 4(9A)(b) of the Sea Fish (Conservation) Act 1967 (return to the sea of fish the fishing for which is prohibited), there may be retained on board any fishing boat to which this Order applies a quantity of sea fish consisting of one or more of the descriptions of sea fish specified in an entry in column 2 of Schedule 4 to this Order, the fishing for which is for the time being prohibited by or under this Order, and which —

- (a) has been taken on board that fishing boat in a statistical division of ICES VII specified in column 1 of that Schedule opposite that entry, in the course of fishing in that statistical division of ICES VII for any description of sea fish the fishing for which is not for the time being prohibited by or under this Order or any other enactment; and
- (b) does not exceed 10 per cent by weight of the total catch of sea fish on board that fishing boat."

6. After Schedule 3 thereof (orders revoked) there shall be inserted the Schedule to this Order.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th September 1987.

L.S.

*John Selwyn Gummer*  
Minister of State, Minister of Agriculture,  
Fisheries and Food

1st September 1987

*Ian Lang*  
Minister of State, Scottish Office

28th August 1987

*Ian Grist*  
Parliamentary Under Secretary of State, Welsh  
Office

29th August 1987

*Brian S. Mawhinney*  
Parliamentary Under Secretary of State,  
Northern Ireland Office

## SCHEDULE

Article 6

## CONTAINING NEW SCHEDULE 4 TO THE SEA FISH LICENSING ORDER 1983

## “SCHEDULE 4

Article 4

AREAS OF SEA AND DESCRIPTIONS OF SEA FISH CAUGHT  
THEREIN TO WHICH RETENTION ON BOARD PROVISIONS APPLY

(1) Area of sea	(2) Description of sea fish
ICES VIIa	Cod, plaice, whiting
ICES VIIb, c	Whiting
ICES VIId	Plaice, sole, whiting
ICES VIIe	Plaice, sole, whiting
ICES VIIf to k	Plaice, sole, whiting”
<p><b>a</b> <i>Note:</i> Where an entry in column 1 of this Schedule is marked with an asterisk the following waters are excluded from the area of sea referred to in that entry — 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.</p>	

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order varies the Sea Fish Licensing Order 1983, as varied, (“the 1983 Order”), which requires a licence to be obtained for fishing by British fishing boats in specified areas of sea for the principal species of sea fish. Boats not more than ten metres long, other than when fishing for herring in specified areas, are excepted from that requirement; this Order removes from that exception such boats fishing for herring in the Firth of Clyde (article 4).

The Order replaces article 4 of the 1983 Order (retention on board of fish) and adds a new Schedule 4 thereto to provide for the retention on board a fishing boat of a quantity of one or more of the descriptions of sea fish specified in that Schedule not exceeding ten per cent by weight of the total catch of sea fish on board the fishing boat, the fishing for which is for the time being prohibited, caught in a specified statistical division of ICES VII as a by-catch in the course of lawful fishing for another description of sea fish. In consequence fish of descriptions not so specified, the fishing for which is for the time being prohibited under article 3 of the 1983 Order, must in all circumstances be returned to the sea forthwith in accordance with the provisions of section 4(9A) of the Sea Fish (Conservation) Act 1967 (inserted by section 20(4) of the Fisheries Act 1981) (articles 5 and 6).