

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2001 No. 649

The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001

PROSPECTIVE

Interpretation

2.—(1) In this Order—

“beam trawler” means a fishing boat which, in so far as it carries or uses nets, carries or uses only nets which are designed to be towed along the sea-bed and which have their mouth extended by a beam, bar or other rigid device;

“codend” means the rearmost part of a net, being made up of one or more panels (pieces of netting) of the same mesh size attached to one another along their sides in the long axis of the net by a lacing;

“codline” means a rope making it possible to close the rear of the codend by means of either a knot which can be easily loosened or a mechanical device;

“the Council Regulation” means Council Regulation (EC) No 850/98 of 30th March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁽¹⁾, as corrected by Corrigendum to Annex XII of the Council Regulation⁽²⁾ and amended by Council Regulation (EC) No. 308/1999⁽³⁾, Council Regulation (EC) No. 1459/1999⁽⁴⁾, Council Regulation (EC) No. 2723/1999⁽⁵⁾, Council Regulation (EC) No. 812/2000⁽⁶⁾ and Council Regulation (EC) No. 1298/2000⁽⁷⁾;

“equivalent order” means an order extending to Scotland or having effect in relation to Wales made under section 3 of the Sea Fish (Conservation) Act 1967 pursuant to Article 46 of the Council Regulation in so far as it contains requirements relating to the incorporation of square mesh panels into nets or the thickness of twine to be used in their construction;

“extension piece” means an extension piece located immediately in front of the codend and excludes any tapered part of the net;

“ICES” followed by a roman numeral with or without a letter shall be construed as a reference to whichever of the statistical sub-areas and divisions of the International Council for the Exploration of the Sea⁽⁸⁾ described in the Schedule is identified therein by that roman numeral or that roman numeral and letter as the case may be;

“net” means a trawl, Danish seine or similar towed net;

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- (1) OJ No. L125, 27.4.98, p.1.
(2) OJ No. L318, 27.11.98, p.63.
(3) OJ No. L038, 12.2.99, p.6.
(4) OJ No. L168, 3.7.99, p.1.
(5) OJ No. L328, 22.12.99, p.9.
(6) OJ No. L100, 20.4.2000, p.3.
(7) OJ No. L148, 22.6.2000, p.1.
(8) Cmnd. 2586.

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“Regulation 2108/84” means Commission Regulation (EEC) No. 2108/84 laying down detailed rules for determining the mesh size of fishing nets⁽⁹⁾ as amended by Commission Regulation (EC) No.2550/97⁽¹⁰⁾;

any other expression used in the Council Regulation has the same meaning in this Order as in that Regulation.

(2) In this Order—

(a) the term “within relevant British fishery limits” does not include—

- (i) the territorial sea adjacent to Wales;
- (ii) the territorial sea adjacent to the Isle of Man;
- (iii) the territorial sea adjacent to the Bailiwick of Jersey; and
- (iv) seas within British fishery limits adjacent to Guernsey, as defined by section 8 of the Fishery Limits Act 1976⁽¹¹⁾;

(b) any reference to any relevant British fishing boat “wherever it may be” does not include such a fishing boat while in the territorial sea adjacent to Wales.

(3) Unless the context otherwise requires, any reference in this Order—

- (a) to a numbered article is a reference to that article bearing that number in this Order;
- (b) to “the Schedule” is a reference to the Schedule to this Order.

(4) For the purposes of this Order, a net shall be deemed to have been carried in a boat for the purpose of fishing for Norway lobsters (*Nephrops norvegicus*), and a boat shall be deemed to have been fishing for Norway lobsters, if the catch retained on board that boat includes—

- (a) in the case of a net which has a mesh size in the range 70 to 79 millimetres, at least 35% by weight of Norway lobsters and other marine organisms identified in Annex I to the Council Regulation as target species for a net of that mesh size;
- (b) in the case of a net which has a mesh size in the range 80 to 99 millimetres, at least 30% by weight of Norway lobsters and other marine organisms identified in Annex I to the Council Regulation as target species for a net of that mesh size.

(5) Where detached Norway lobster tails are retained on board a boat, the equivalent weight of the whole Norway lobsters shall be taken into account for the purpose of paragraph (4) above, and that equivalent weight shall be obtained by multiplying the weight of the tails by 3.

(6) For the purposes of this Order, a net shall be deemed to have been carried in a boat for the purpose of fishing for queen scallops (*Chlamys opercularis*), and a boat shall be deemed to have been fishing for queen scallops, if at least 80% by weight of the total catch retained on board that boat comprises queen scallops.

Commencement Information

II Art. 2 in force at 2.4.2001, see [art. 1\(1\)\(a\)](#)

⁽⁹⁾ OJ No. L194, 24.7.84, p.22.

⁽¹⁰⁾ OJ No. L349, 19.12.97, p.1.

⁽¹¹⁾ 1976 c. 86; as modified by paragraph 3(c) of the Schedule to the Fishery Limits Act 1976 (Guernsey) Order 1989 (S.I.1989/2407).

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Changes and effects yet to be applied to :

- art. 2 coming into force by [S.I. 2001/649 art. 1\(1\)\(a\)](#)
- art. 2(1) words omitted by [S.I. 2003/1560 art. 3](#)
- art. 2(1) words substituted by [S.I. 2003/1560 art. 3](#)
- art. 2(1) words substituted by [S.I. 2018/942 reg. 49\(2\)\(a\)](#)
- art. 2(1) words substituted by [S.I. 2018/942 reg. 49\(2\)\(b\)](#)
- art. 2(1) words substituted by [S.I. 2018/942 reg. 49\(2\)\(c\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 3(1A) inserted by [2020 c. 22 Sch. 2 para. 6\(2\)](#)