STATUTORY INSTRUMENTS

1983 No. 482

SEA FISHERIES

BRITISH FISHING BOATS

The British Fishing Boats Order 1983

Made - - - -	29*th March* 1983
Laid before Parliament	29*th March* 1983
Coming into Operation	30*th March* 1983

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Northern Ireland and Wales in exercise of the powers conferred on them by section 1(1), (2), (3) and (5) of the British Fishing Boats Act 1983(**a**) 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 British Fishing Boats Order 1983, and shall come into operation on 30th March 1983.

Interpretation

2. In this order—

"the Act" means the British Fishing Boats Act 1983;

"long liner" means a fishing boat which is for the time being adapted for fishing by means of fishing lines which have hooks attached at intervals and which extend in the sea for a distance of not less than 200 metres.

Area specified for purposes of section 1(2)(a) and (b) of the Act

3. The Ministers hereby specify for the purposes of section 1(2)(*a*) and (*b*) of the Act an area consisting of all waters within British fishery limits.

Qualification for British fishing boats for use in carrying out fishing operations

4. A British fishing boat shall be qualified for use in carrying out the operations mentioned in section 1(2) of the Act if at least 75% of the members of the crew of the boat are British citizens or nationals of any other member State.

(**a**) 1983 c. 8.

Stowage of gear

5. Where the fishing gear of a British fishing boat is required by section 1(5) of the Act to be stowed while the boat is in the area specified in article 3 of this order, the gear shall be stowed in the following manner:–

(a) in the case of any boat other than a long liner—

(i) all fishing gear shall be carried wholly inboard;

(ii) all nets, trawlboards and weights shall be disconnected from their towing or hauling wires or ropes;

(iii) all trawlboards and weights shall be secured at deck level or carried below deck;

(iv) all nets which are on deck or above deck shall be securely lashed to some part of the superstructure of the boat;

(b) in the case of a long liner—

(i) all fishing gear shall be carried wholly inboard;

(ii) all buoys, anchors and weights shall be disconnected from the fishing-lines;

(iii) all hooks shall be unbaited;

(iv) all bait shall be stowed below decks.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th March 1983.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

29th March 1983.

James Prior,
Secretary of State for Northern Ireland.

29th March 1983.

Wyn Roberts,
Parliamentary Under-Secretary
of State for Wales.

29th March 1983.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order—

(a) specifies, for the purposes of section 1(2)(a) and (b) of the British Fishing Boats Act 1983 ("the Act"), an area consisting of all waters within British fishery limits in which a British fishing boat may not carry out the operations of fishing for and trans-shipping sea fish unless the boat is qualified in accordance with article 4 of the order for use in carrying out those operations (article 3);

(b) provides that a British fishing boat shall be qualified for use in carrying out the operations of fishing for and trans-shipping sea fish in the area specified in article 3 of the order and landing sea fish in the United Kingdom (wherever caught), if at least 75% of the members of the crew of the boat are British citizens or nationals of any other member State (article 4);

(c) specifies the manner in which the fishing gear of a British fishing boat must be stowed when it is in the area specified in article 3 of the order but is not qualified in accordance with article 4 of the order for use in carrying out the operations of fishing for and trans-shipping sea fish in that area (article 5).

It is an offence under section 1 of the Act to carry out the operations referred to above by or from a British fishing boat unless the boat is qualified in accordance with article 4 of this order for use in carrying out those operations.

Where a British fishing boat is in the area specified in article 3 of this order but is not for the time being qualified in accordance with article 4 of this order for use in carrying out such operations, an offence is committed under section 1 of the Act if its fishing gear is not stowed in accordance with article 5 of this order.

The maximum penalty for a contravention of section 1 of the Act is £50,000 on summary conviction or an unlimited fine on conviction on indictment. The court may also order the forfeiture of fish and fishing gear.

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