STATUTORY INSTRUMENTS

1989 No. 142

SEA FISHERIES

CONSERVATION OF SEA FISH

The Cod (Specified Sea Areas) (Prohibition of Fishing) Order 1989

Made - - - -	*2nd February 1989*
Laid before Parliament	*3rd February 1989*
Coming into force -	*6th February 1989*

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 5(1), 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967(a), and of all other powers enabling them in that behalf, hereby make the following Order:

Title, commencement, duration and interpretation

1.—(1) This Order may be cited as the Cod (Specified Sea Areas) (Prohibition of Fishing) Order 1989, shall come into force on 6th February 1989 and shall cease to have effect on 1st March 1989.

(2) In this Order–

"sea area" means a statistical sub-area or division of the International Council for the Exploration of the Sea(b) or the area known as CECAF Division 34.1.1 (EC Zone) described in Schedule 1 hereto;

"British fishing boat" means a fishing boat which is registered in the United Kingdom, the Isle of Man or any of the Channel Islands or which, not being so registered, is British-owned.

Prohibition

2. Fishing for cod (*Gadus morhua*)–

(a) within any part of a sea area by any British fishing boat registered in the United Kingdom or the Isle of Man; or

(b) within any part of a sea area which lies inside British fishery limits by any other British fishing boat,

is prohibited.

(a) 1967 c.84; section 5(1) was substituted by section 22(1) of the Fisheries Act 1981 (c.29) and, by virtue of S.I. 1973/238, section 5 applies in relation to British fishing boats registered in the Isle of Man as it applies in relation to British fishing boats registered in the United Kingdom; section 15(3) was substituted by paragraph 38(3) of Schedule 1 to the Sea Fisheries Act 1968 (c.77) and amended by paragraph 16(1) of Schedule 2 to the Fishery Limits Act 1976 (c.86); section 22(2)(a) which contains a definition of "the Ministers" for the purposes of sections 5 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

(b) Cmnd. 2586.

Powers of British sea-fishery officers in relation to fishing boats

3.—(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise in relation to any British fishing boat anywhere the powers conferred by paragraphs (2) to (4) of this article.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) of this article and, in particular–

(a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;

(b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;

(c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 5(1) or (6) of the Sea Fish (Conservation) Act 1967**(a)** as read with this Order, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search; and

(d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in subparagraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a contravention of this Order has at any time taken place within British fishery limits, he may–

(a) require the master of the boat in relation to which the offence took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and

(b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

Revocation

4. The Orders specified in Schedule 2 to this Order are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 31st January 1989.

L.S.

Trumpington
Parliamentary Secretary,
Ministry of Agriculture, Fisheries and Food

(a) Sub-section (6) was amended by section 22(2) of the Fisheries Act 1981. By virtue of sub-section (7), where sub-section (6) is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) are guilty of an offence under that sub-section.

31st January 1989

Sanderson of Bowden
Minister of State, Scottish Office

1st February 1989

Wyn Roberts
Minister of State, Welsh Office

2nd February 1989

Tom King
Secretary of State for Northern Ireland

SCHEDULE 1

Article 1(2)

SEA AREAS IN RESPECT OF WHICH PROHIBITION OF FISHING FOR COD APPLIES

ICES Statistical Division VIIb, c (West of Ireland and Porcupine Bank)

The waters bounded by a line beginning at a point on the west coast of Ireland in 54°30′ north latitude; thence due west to 18°00′ west longitude; thence due south to 52°30′ north latitude; thence due east to the coast of Ireland; thence in a northerly direction along the west coast of Ireland to the point of beginning.

ICES Statistical Division VIId (Eastern English Channel)

The waters bounded by a line beginning at a point on the west coast of France in 51°00′ north latitude; thence due west to the coast of England; thence in a westerly direction along the south coast of England to 2°00′ west longitude; thence in a southerly direction to the coast of France at Cape de la Hague; thence in a north-easterly direction along the coast of France to the point of beginning.

ICES Statistical Division VIIe (Western English Channel)

The waters bounded by a line beginning on the south coast of England in 2°00′ west longitude; thence in a southerly and westerly direction along the coast of England to a point on the south-west coast in 50°00′ north latitude; thence due west to 7°00′ west longitude; thence due south to 49°30′ north latitude; thence due east to 5°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to Cape de la Hague; thence in a northerly direction to the point of beginning.

ICES Statistical Division VIIf (Bristol Channel)

The waters bounded by a line beginning at a point on the south coast of Wales in 5°00′ west longitude; thence due south to 51°00′ north latitude; thence due west to 6°00′ west longitude; thence due south to 50°30′ north latitude; thence due west to 7°00′ west longitude; thence due south to 50°00′ north latitude; thence due east to the coast of England; thence along the south-west coast of England and the south coast of Wales to the point of beginning.

ICES Statistical Division VIIg (South-east of Ireland)

The waters bounded by a line beginning at a point in 9°00′ west longitude on the south coast of Ireland; thence due south to 50°00′ north latitude; thence due east to 7°00′ west longitude; thence due north to 50°30′ north latitude; thence due east to 6°00′ west longitude; thence due north to 51°00′ north latitude; thence due east to 5°00′ west longitude; thence due north to the south coast of Wales; thence in a north-westerly direction along the coast of Wales to a point in 52°00′ north latitude; thence due west to the south-east coast of Ireland; thence in a south-westerly direction along the coast of Ireland to the point of beginning.

ICES Statistical Division VIIn (Little Sole Bank)

The waters bounded by a line beginning at a point in 50°00′ north latitude 7°00′ west longitude; thence due west to 9°00′ west longitude; hence due south to 48°00′ north latitude; thence due east to 5°00′ west longitude; thence due north to 49°30′ north latitude; thence due west to 7°00′ west longitude; thence due north to the point of beginning.

ICES Statistical Division VIIj (Great Sole Bank)

The waters bounded by a line beginning at a point in 52°30′ north latitude on the west coast of Ireland; thence due west to 12°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to 9°00′ west longitude; thence due north to the south coast of Ireland; thence in a westerly and northerly direction along the coast of Ireland to the point of beginning.

ICES Statistical Division VIIk (West of Great Sole Bank)

The waters bounded by a line beginning at a point in 52°30′ north latitude, 12°00′ west longitude; thence due west to 18°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to 12°00′ west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area VIII (Bay of Biscay)

The waters bounded by a line beginning at a point on the coast of France in 48°00′ north latitude; thence due west to 18°00′ west longitude; thence due south to 43°00′ north latitude; thence due east to the coast of Spain; thence in a northerly direction along the coasts of Spain and France to the point of beginning.

ICES Statistical Sub-Area IX (Portuguese Waters)

The waters bounded by a line beginning at a point on the coast of Spain in 43°00′ north latitude; thence due west to 10°00′ west longitude; thence due south to 36°00′ north latitude; thence due east to a point on the coast of Spain (Punta Marroqui isthmus) in 5°36′ west longitude; thence in a north-westerly direction along the south-west coast of Spain, the coast of Portugal, and the north-west coast of Spain to the point of beginning.

ICES Statistical Sub-Area X (Azores Grounds)

The waters bounded by a line beginning at a point in 48°00′ north latitude, 18°00′ west longitude; thence due west to 42°00′ west longitude; thence due south to 36°00′ north latitude; thence due west to 18°00′ west longitude; thence due north to the point of beginning.

CECAF Division 34.1.1. (EC Zone)

The waters commonly known as the Moroccan coast bounded by a line drawn from a position on the coast of Spain in 36°00′ north latitude and 5°36′ west longitude (isthmus of Punta Marroqui); thence due west to 13°00′ west longitude; thence due south to 29°00′ north latitude; thence in a southerly and westerly direction to a position in 26°00′ north latitude and 16°00′ west longitude; thence due east to a point on the coast of the continent of Africa in 26°00′ north latitude; thence in a northerly and easterly direction along the coast of the continent of Africa to a point in 5°36′ west longitude; thence due north to the point of commencement.

SCHEDULE 2

Article 4

REVOCATIONS

Orders Revoked	*References*
The Saithe (Channel, Western Waters and Bay of Biscay) (Prohibition of Fishing) (Revocation) Order 1986	S.I. 1986/1620
The Sole (Irish Sea and Sole Bank) (Prohibition of Fishing) Order 1986	S.I. 1986/1936
The Sole (Specified Sea Areas) (Prohibition of Fishing) Order 1986	S.I. 1986/2060
The Cod (Specified Sea Areas) (Prohibition of Fishing) (Revocation) Order 1986	S.I. 1986/2075
The Herring (Firth of Clyde) (Prohibition of Fishing) Order 1986	S.I. 1986/2122
The Plaice and Saithe (Specified Sea Areas) (Prohibition of Fishing) Order 1987	S.I. 1987/1227
The Saithe (Specified Sea Areas) (Prohibition of Fishing) (Revocation) Order 1987	S.I. 1987/1900
The Plaice (Specified Sea Areas) (Prohibition of Fishing) Order 1987	S.I. 1987/2011
The Cod (Specified Sea Areas) (Prohibition of Fishing) Order 1987	S.I. 1987/2192
The Sole (Specified Sea Areas) (Prohibition of Fishing) Order 1988	S.I. 1988/1264
The Cod (Specified Sea Areas) (Prohibition of Fishing) (Variation) Order 1988	S.I. 1988/1761
The Cod (Specified Sea Areas) (Prohibition of Fishing) (Revocation) Order 1988	S.I. 1988/2071
The Cod (Specified Sea Area) (Prohibition of Fishing) Order 1988	S.I. 1988/2196
The Plaice (Specified Sea Areas) (Prohibition of Fishing) Order 1988	S.I. 1988/2197

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits fishing for cod (*Gadus morhua*)–

(a) by any British fishing boat registered in the United Kingdom or the Isle of Man within any part of a sea area specified in Schedule 1 to the Order, or

(b) by any British fishing boat registered in any of the Channel Islands or by any British-owned fishing boat within any part of such a sea area which lies inside British fishery limits (article 2).

By virtue of section 5(6) of the Sea Fish (Conservation) Act 1967 (as amended by section 22(2) of the Fisheries Act 1981), where, in the course of any fishing operations conducted in any of the above-mentioned sea areas, cod are taken on board a boat to which this Order applies, those fish shall (subject to section 9 of that Act) be returned to the sea forthwith.

British sea-fishery officers are given enforcement powers in relation to boats to which the Order applies (article 3).

The Order revokes the Orders listed in Schedule 2 which have ceased to have effect (article 4).

The Order ceases to have effect on 1st March 1989.