STATUTORY INSTRUMENTS

2008 No. 2360

SEA FISHERIES, ENGLAND

CONSERVATION

The Fal & Helford Designated Area (Fishing Restrictions) Order 2008

Made - - - -	*1st September 2008*
Laid before Parliament	*8th September 2008*
Coming into force - -	*1st October 2008*

The Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with the sea fishing industry in Northern Ireland, in exercise of the powers conferred by sections 5, 5A and 15(3) of the Sea Fish (Conservation) Act 1967(**a**), and now vested in them(**b**), make the following Order:

Citation and commencement

1. This Order may be cited as the Fal & Helford Designated Area (Fishing Restrictions) Order 2008 and comes into force on 1st October 2008.

Prohibition on dredging and trawling

2.—(1) Dredging for shellfish and demersal trawling in the designated area are prohibited.

(2) The designated area is the area(**c**) seaward of lines drawn—

(a) across the Helford River, on a bearing of 195° true from Mawnan Shear to a point on the opposite shore, and

(b) across the River Fal (Carrick Roads), from the southernmost extremity of Pendennis Point to the lighthouse at St Anthony Head,

and within a line drawn from Zone Point to Manacle Point.

(**a**) 1967 c. 84. Section 5(1) was amended by the Fisheries Act 1981 (c. 29), section 22(1). Section 5A was inserted by the Environment Act 1995 (c. 25), section 103(1). Section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77), Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c. 86), Schedule 2, paragraph 16(1) and S.I. 1999/1820, Schedule 2, paragraph 43(2)(b). See section 22(2)(a) for definitions of "the Ministers" for the purposes of sections 3 and 15(3); section 22(2) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b) and (c) and by S.I. 1999/1820, Schedule 2, paragraph 43(12).

(**b**) Functions of the Secretaries of State for Scotland and Wales in England were transferred to the Minister of Agriculture, Fisheries and Food by article 2(1) of, and the Schedule to, the Transfer of Functions (Agriculture and Fisheries) Order 2000 (S.I. 2000/1812). The functions of the Ministers of Agriculture, Fisheries and Food and a named Secretary of State acting jointly were transferred to the Secretary of State for Environment, Food and Rural Affairs and the named Secretary of State acting jointly by article 2(5) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(**c**) A plan of the area, for illustrative purposes only, is published on the Defra website at www.defra.gov.uk.

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

3.—(1) For the purpose of enforcing this Order, a British sea-fishery officer has the powers set out in this article in relation to a fishing boat to which the prohibition in article 2 applies.

(2) A British sea-fishery officer may go on board the boat, with or without persons assigned to assist in that officer's duties, and may require it to stop and do anything else that will facilitate boarding or disembarkation.

(3) A British sea-fishery officer may require the attendance of the master and other persons on board and may make any examination and inquiry as appears to the officer to be necessary for the purpose of enforcing this Order, and in particular may—

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

(b) require any person on board to produce any document in that person's custody or possession relating to the boat, to any fishing or ancillary operations or to persons on board;

(c) for the purpose of ascertaining whether an offence under this Order has been committed, search the boat for any such document and may require any person on board to do anything that appears to the officer to be necessary for facilitating the search;

(d) inspect and copy any such document produced or found on board and, where any such document is kept by means of a computer, require it to be produced in a form in which it may be taken away; and

(e) where the boat is one in relation to which the officer has reason to suspect that an offence under this Order has been committed, seize and detain any such document produced or found on board for the purpose of enabling it to be used as evidence in proceedings in connection with any offence under this Order.

(4) Where it appears to a British sea-fishery officer that an offence under this Order has at any time been committed in relation to a fishing boat, the officer may—

(a) take, or require the master of the boat to take, the boat and its crew to the port that appears to the officer to be the nearest convenient port; and

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

(5) A British sea-fishery officer who detains or requires the detention of a boat must serve on the master a written notice stating that the boat is, or is required to be, detained until the notice is withdrawn by the service on the master of a further written notice signed by a British sea-fishery officer.

Jonathan Shaw
Parliamentary Under Secretary of State
26th August 2008 Department for Environment, Food and Rural Affairs

Paul Goggins
Minister of State
1st September 2008 Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits dredging for shellfish and demersal trawling in the area (which is part of the Fal and Helford Special Area of Conservation) specified in article 2.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Defra website at www.defra.gov.uk.

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