STATUTORY INSTRUMENTS

1971 No. 1171

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Fishing Nets (North-East Atlantic) Order 1971

Made - - - -	19*th July* 1971
Laid before Parliament	27*th July* 1971
Coming into Operation	1*st August* 1971

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State respectively concerned with the sea-fishing industry in Scotland and Northern Ireland) in exercise of the powers conferred upon them by sections 3 and 15 of the Sea Fish (Conservation) Act 1967(a) as the latter section is amended by section 22(1) of, and sub-paragraph (3) of paragraph 38 of Part II of Schedule 1 to, the Sea Fisheries Act 1968(b) and of all other powers enabling them in that behalf hereby make the following Order:—

Citation and Commencement

1. This Order may be cited as the Fishing Nets (North-East Atlantic) Order 1971 and shall come into operation on 1st August 1971.

Interpretation

2.—(1) In this Order—

"the area dividing line" means a line drawn east from the meridian of 44° west longitude along the parallel of 59° north latitude to the meridian of 42° west longitude, thence south to the parallel of 48° north latitude, thence east to the meridian of 18° west longitude, thence north to the parallel of 60° north latitude, thence east to the meridian of 15° west longitude, thence north to the parallel of 62° north latitude, thence east to the meridian of 10° west longitude, thence north to the parallel of 63° north latitude, thence east to the meridian of 4° west longitude, thence north to the parallel of 64° north latitude, thence east to the meridian of 51° east longitude;

"British sea-fishery officer" means any person who is for the time being a British sea-fishery officer by virtue of section 7 of the Sea Fisheries Act 1968;

"the Faroes Area" means the area bounded by a line drawn east from the meridian of 15° west longitude along the parallel of 60° north latitude to the meridian of 5° west longitude, thence north to the parallel of 60° 30′ north latitude, thence east to the meridian of 4° west longitude, thence north to the parallel of 63° north latitude, thence west to the meridian of 10° west longitude, thence south to the parallel of 62° north latitude, thence west to the meridian of 15° west longitude, thence south to the parallel of 60° north latitude;

(a) 1967 c. 84. (b) 1968 c. 77.

"foreign fishing boat" has the meaning assigned to it by the Fishery Limits Act 1964(a);

"fishing boat" means a vessel of whatever size and in whatever way propelled which is for the time being employed in sea-fishing or in the sea-fishing service;

"the Irish Sea" means the area bounded on the north by the parallel of 54° 38′ north latitude, on the east by the western coasts of England and Wales, on the south by the parallel of 51° north latitude and on the west by the meridian of 7° west longitude and the eastern coasts of the Republic of Ireland and Northern Ireland;

"net" means any net (not being a purse-seine net or a ring-net) constructed to take fish whilst being towed or hauled through the sea, whether on or near the bottom of the sea or otherwise, by or from a fishing boat;

"topside chafer" means a piece of netting attached to the upperside of the cod-end of a net for the purpose of preventing or reducing wear and tear.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

Revocation of Previous Orders

3. The Fishing Nets (North-East Atlantic) Order 1969(c) is hereby revoked.

Areas in relation to which this Order has application

4. This Order has application in relation to those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie north of the parallel of 36° north latitude, between the meridians of 42° west longitude and 51° east longitude and north of 59° north latitude between 44° west longitude and 42° west longitude (but excluding the Mediterranean and Baltic Seas and Belts lying to the south and east of lines drawn from Hasenore Head, Denmark, to Gniben Point, Denmark, from Korshage, Denmark, to Spodsbierg, Denmark, and from Gilbierg Head, Denmark, to Kullen, Sweden).

Sizes of Mesh of Nets

5.—(1) Except as hereinafter provided there shall not be carried, in any British fishing boat registered in the United Kingdom for the purpose of fishing for sea-fish in any of the waters referred to in the first column of Schedule 1 to this Order, any net or part of a net of a type specified in the second column of Schedule 1 opposite the reference to the said waters unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick, and of a width specified in the third column of Schedule 1 opposite the reference to that type of net, will pass easily through the mesh whether the net is wet or dry.

(2) Except as hereinafter provided, there shall not be carried, by any foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom for the purpose of fishing for sea-fish in any of the waters in relation to which this Order has application, any net or part of a net of a type specified in

(a) 1964 c. 72. (b) 1889 c. 63.
(c) S.I. 1969/1823 (1969 III, p. 5660).

the first column of Schedule 2 to this Order unless it has in all its parts meshes of such dimensations that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 milllimetres thick, and of a width specified in the second column of Schedule 2 opposite the reference to that type of net, will pass easily through the mesh whether the net is wet or dry.

Obstruction of nets

6.—(1) Except as hereinafter provided, there shall not be carried in

(*a*) any British fishing boat registered in the United Kingdom, or

(*b*) any foreign fishing boat in any waters adjacent to the United Kingdom, and within the fishery limits of the British Islands

for the purposes of fishing for sea-fish in any waters to which this Order has application, any net having a covering of canvas or other material attached to it, or in respect of which any artifice may have been employed in such a manner that the mesh in any part of the net is obstructed or otherwise diminished in effect.

(2) Nothing in this Order shall be deemed to prohibit the attachment to the underside of the cod-end of a net of any canvas, netting or other material for the purpose of preventing or reducing wear and tear.

Topside Chafers

7.—(1) There shall not be carried in any British fishing boat registered in the United Kingdom any net to which a topside chafer is attached unless the net in question is a trawl net, the attachment is made for the purpose of fishing in waters north of the area dividing line, and the chafer complies with one of the following specifications:—

(*a*) a piece of netting, rectangular in shape, having in all its parts meshes the dimensions of which are not less than those of the meshes of the cod-end whether the netting and the cod-end respectively be wet or dry; being in width at least one and a half times the width of the part of the cod-end which is covered by it, (such widths being measured at right angles to the long axis of the cod-end); and fastened to the cod-end only along the forward and lateral edges of the piece of netting in such a way that—

(i) if there is a splitting strop, the piece of netting begins at a distance of not more than four of the meshes to which it is attached forward of the splitting strop and ends at a distance of not less than four of such meshes forward of the cod-line mesh; or

(ii) if there is no splitting strop, the piece of netting extends for not more than one-third of the length of the cod-end and ends at a distance of not less than four of the meshes of the net to which it is attached forward of the cod-line mesh; or

(*b*) pieces of netting having in all their parts meshes the dimensions of which are not less than those of the meshes of the cod-end whether the netting and the cod-end respectively be wet or dry; each piece being

(i) fastened by its forward edge only across the cod-end at right angles to the long axis of the cod-end;

(ii) of a width of at least the width of the cod-end (such width being measured at right angles to the long axis of the cod-end at the point of attachment) and

(iii) of not more than ten meshes long;

and the said pieces having an aggregate length when so attached not exceeding two-thirds of the length of the cod-end; or

(*c*) a piece of netting made of the same material as the cod-end, having in all its parts meshes whereof the dimensions are twice the dimensions of the meshes of the cod-end, whether the netting and the cod-end respectively be wet or dry, and fastened to the cod-end along the forward, lateral and rear edges only of the netting, in such a way that each mesh of the piece of netting coincides with four meshes of the cod-end.

(2) The provisions of this Article shall be without prejudice to the provisions of Article 7 of the Fishing Nets (Northwest Atlantic) Order 1969(**a**) and the carrying of any net to which a topside chafer is attached in accordance with the provisions of that Article shall be deemed not to be a contravention of the provisions of this Article.

Defences—British Fishing Boats

8. In any proceedings in respect of a contravention of Article 5 (1) of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate:—

(1) was being carried solely for the purpose of fishing in waters situated north of the area dividing line for mackerel, clupeoid fish, sand-eels (Ammodytes), Norway pout (Gadus esmarkii), smelts, eels, great weevers (Trachinus draco), capelin (Mallotos villosus), blue whiting (Gadus poutassou), horse mackerel (Trachurus trachurus), Polar cod (Boreogadus saida), saury (Scomberesox saurus), shrimps, prawns, nephrops or molluscs other than squid; or

(2) had in no part of its cod-end meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge of 50 mm. broad and 2 mm. thick would pass easily through it whether the net was wet or dry and was being carried solely for the purpose of fishing:—

(*a*) for mackerel, clupeoid fish, sand-eels (Ammodytes), Norway pout (Gadus esmarkii), smelts, eels, great weevers (Trachinus draco), capelin (Mallotus villosus), Polar cod (Boreogadus saida), saury (Scomberesox saurus), shrimps, prawns or molluscs other than squids in waters south of the area dividing line, or

(*b*) for horse mackerel (Trachurus trachurus) in waters south of the area dividing line and north of the parallel of 48° north latitude, or

(*c*) for blue whiting (Gadus poutassou) in waters south of the area dividing line and north of the parallel of 48° north latitude other than such part of those waters as lies between the parallels of 52° 30′ north latitude and 48° north latitude and between the meridians of 7° west longitude and 18° west longitude, or

(*d*) for Nephrops norvegicus (commonly known as Norway lobster or Dublin Bay prawn) in the Irish Sea, and that none of the sea-fish taken in the course of the voyage on which the net to which the proceedings relate was carried, was landed, or was to be landed, at a place other than one bordering upon the Irish Sea; or

(**a**) S.I. 1969/628 (1969 I, p. 1734).

(3)(*a*) had in all its parts meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 60 mm. broad and 2 mm. thick would pass easily through it whether the net was wet or dry, and

(*b*) was carried solely in that part of the Irish Sea which lies between the parallels of 53° and 54° 30′ north latitude and west of the meridian of 5° 15′ west longitude for the purpose of fishing for whiting, and

(*c*) was carried in a fishing boat operating from and landing its catch at a port or place bordering upon the said part of the Irish Sea.

Defences—Foreign Fishing Boats

9. In any proceedings in respect of a contravention of Article 5(2) of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate:—

(*a*) had in no part of its cod-end meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat guage 50 mm. broad and 2 mm. thick would pass easily through it whether the net was wet or dry, and that it was being carried solely for the purpose of fishing for mackerel, clupeoid fish, sand-eels (Ammodytes), Norway pout (Gadus esmarkii), smelts, eels, great weevers (Trachinus draco), capelin (Mallotus villosus), horse mackerel (Trachurus trachurus), blue whiting (Gadus poutassou), Polar cod, (Boreogadus saida), saury (Scomberesox saurus), shrimps, prawns, nephrops or molluscs, or

(*b*) being a net of a type specified in the first column of Schedule 3, had in all its parts meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat guage 2mm. thick and of a width specified in the second column of Schedule 3 opposite the reference to that type of net would pass easily through the mesh whether the net was wet or dry, and that it was being carried solely for the purpose of fishing south of the parallel of 48° north latitude.

Powers of British Sea-Fishery Officers

10. For the purpose of the enforcement of the provisions of this Order there are hereby conferred on every British sea-fishery officer the powers of a British Sea-Fishery Officer under Section 8(2) to (4) of the Sea Fisheries Act 1968(**a**).

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th July 1971.

L.S.

J. M. L. Prior,
Minister of Agriculture, Fisheries & Food.

16th July 1971.

Gordon Campbell,
Secretary of State for Scotland.

19th July 1971.

R. Maudling,
Secretary of State for the Home Department.

(**a**) 1968 c. 77.

Article 5(1)

SCHEDULE 1

Column 1	Column 2	Column 3
Waters	Net	Appropriate width of gauge
(*a*) Waters of the areas north of the area dividing line	(1) Seine net	110 millimetres
	(2) Such part of any trawl net as is made of cotton hemp, polyamide fibres or polyester fibres	120 millimetres
	(3) Such part of any trawl net as is made of any other material	130 millimetres
(*b*) Waters of the Faroes area	(1) Seine net	105 millimetres
	(2) Such part of any trawl net as is made of manila or sisal	110 millimetres
	(3) Such part of any trawl net as is made of any other material	105 millimetres
(*c*) All other waters of the areas in relation to which this Order has effect	(1) Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal	70 millimetres
	(2) Such part of any trawl net as is made of double twine and contains no manila or sisal	75 millimetres
	(3) Such part of any trawl net as is made of manila or sisal	80 millimetres

Article 5(2)

SCHEDULE 2

Column 1	Column 2
Net	Appropriate width of gauge
(1) Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal	70 millimetres
(2) Such part of any trawl net as is made of double twine and contains no manila or sisal	75 millimetres
(3) Such part of any trawl net as is made of manila or sisal	80 millimetres

Article 9

SCHEDULE 3

Column 1	Column 2
Net	Appropriate width of guage
(1) Such part of any net as is made of single twine synthetic fibre	60 millimetres
(2) Such part of any net as is made of double twine synthetic fibre	65 millimetres
(3) Such part of any net as is made of manila or sisal	70 millimetres

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order supersedes the Fishing Nets (North-East Atlantic) Order 1969. It prescribes minimum sizes of mesh for the fishing nets carried by registered British fishing boats for fishing in areas specified in the Order and by foreign fishing boats within the fishery limits of the British Islands adjacent to the United Kingdom.

The principal changes are:—

1. The Order now applies to all nets with the exception of purse-seine nets and ring nets, constructed to take fish while being towed or hauled through the sea by or from a fishing boat.
2. The area dividing line has been extended further to the north at its eastern end.