STATUTORY INSTRUMENTS

1979 No. 744

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Fishing Nets (North-East Atlantic) (Variation) Order 1979

Made - - - -	*25th June* 1979
Laid before Parliament	*29th June* 1979
Coming into Operation	*1st July* 1979

The Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 3 and 20(1) of the Sea Fish (Conservation) Act 1967**(a)** and now vested in them **(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) (Variation) Order 1979, and shall come into operation on 1st July 1979.

Variation

2. The Fishing Nets (North-East Atlantic) Order 1977**(c)** is hereby varied to the extent and in the manner indicated in the Schedule to this order.

(a) 1967 c. 84; section 3 is amended by the Fishery Limits Act 1976 (c. 86) section 9(1) and paragraph 16(1) of Schedule 2.
(b) By the Transfer of Functions (Wales) (No. 1) Order 1978, S.I. 1978/272.
(c) S.I. 1977/440, previously varied by S.I. 1978/946.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th June 1979.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

19th June 1979.

George Younger,
Secretary of State for Scotland.

20th June 1979.

Humphrey Atkins,
Secretary of State for Northern Ireland.

18th June 1979.

Nicholas Edwards,
Secretary of State for Wales.

THE SCHEDULE

VARIATION OF THE FISHING NETS (NORTH-EAST ATLANTIC) ORDER 1977

1. In Article 2(1) for the definition of "the Irish Sea" there shall be substituted the following:

"the Irish Sea" means the area bounded in the north by 55° north latitude; in the east by the south-western coast of Scotland and the western coast of England and Wales; in the south by 52° north latitude; and in the west by 7° west longitude and the eastern coasts of the Republic of Ireland and Northern Ireland;

2. In Article 6

(A) sub-paragraphs (*d*), (*e*) and (*f*) of paragraph (3) shall be deleted,

(B) in the provisos to paragraphs (3) and (4) of Article 6, there shall be inserted before the word "sample" the word "representative",

(C) a further paragraph shall be added as follows:

"(5) had in no part a mesh smaller than 70 millimetres if made of single twine or 75 millimetres if made of double twine and was being carried solely for the purpose of fishing for nephrops in waters south of the area dividing line and north of 48° north latitude,

Provided that this defence shall not apply if the catch on board at any time after sorting or below deck includes a quantity of sea fish of a description specified in Schedule 3 to this order which exceeds 50% of the total weight of the catch or 50% of a representative sample of at least 100 kg taken by a British sea-fishery officer from any part thereof."

3. In Article 8

(1) the words from "to the cod-end" to the first occurrence of "strengthening bag" in paragraph (*b*) (as varied) shall be deleted and there shall be substituted the following:

"to the cod-end of any net described in paragraph (1), (2), (3) or (4) of Article 6, no more than one strengthening bag"

(2) the words "a topside chafer to the cod-end of a trawl net if . . ." in paragraph (*c*) shall be deleted and there shall be substituted the following:

"as an alternative but not in addition to the strengthening bag described in paragraph (*b*) of this article, no more than one topside chafer to the cod-end of a trawl net, provided that . . ."

4. Schedule 1 shall be deleted and there shall be substituted the following:

Column 1	Column 2	Column 3
Waters	Type of net	Minimum size of mesh
A 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 South of the area dividing line and north of 48° north latitude, excluding the Irish Sea	(1) Seine net, or such part of any trawl net as is made of single twine	75 millimetres
	(2) Such part of any trawl net as is made of double twine	80 millimetres
C Irish Sea	(1) Seine net, or such part of any trawl net as is made of single twine	70 millimetres
	(2) Such part of any trawl net as is made of double twine	75 millimetres
D South of 48° north latitude	(1) Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal	60 millimetres
	(2) Such part of any trawl net as is made of double twine and contains no manila or sisal	65 millimetres
	(3) Such part of any trawl net as is made of manila or sisal	70 millimetres

5. To Schedule 3 there shall be added the following:
"Bass (Dicentrarchus labrax)"

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order varies the Fishing Nets (North-East Atlantic) Order 1977 by:

(*a*) providing a new definition of "the Irish Sea",

(*b*) modifying the order's provisions regarding the types and mesh sizes of fishing nets which may be used in fishing for certain species of sea fish,

(*c*) making certain changes in the order's provisions regarding attachments to nets, and

(*d*) adding sea bass to the list of sea fish named in Schedule 3 in relation to by-catches.

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