1959 No. 1123
The Premium Savings Bonds (Fees) Warrant, 1959

For the text of this Order *see* Pt. I, p. 305 of this vol.

SEA FISHERIES

BOATS AND METHODS OF FISHING

1959 No. 1226
The Fishing Nets (Northwest Atlantic) Order, 1959

Made - - - -	15*th July*, 1959
Laid before Parliament	21*st July*, 1959
Coming into Operation	22*nd July*, 1959

The Minister of Agriculture, Fisheries and Food, and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively), in exercise of the powers conferred upon them by sections 3 and 4A of the Sea-Fishing Industry Act, 1933(a), as amended by section 38 of the Sea Fish Industry Act, 1938(b), and section 1 of the White Fish and Herring Industries Act, 1948(c), and of all other powers enabling them in that behalf, hereby make the following Order:—

1. This Order may be cited as the Fishing Nets (Northwest Atlantic) Order, 1959, and shall come into operation on the twenty-second day of July, nineteen hundred and fifty-nine.

2.—(1) In this Order, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"British Sea-Fishery Officer" means any person who is for the time being a British Sea-Fishery Officer by virtue of subsection (2) of Section 11 of the Sea Fisheries Act, 1883(d), as amended or extended by or under any subsequent enactment;

"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;

"net" means any net which, when in use, is towed or hauled.

(2) The Interpretation Act, 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. Subject to the provisions of this Order, there shall not be carried in any British fishing boat for the purpose of catching cod (*Gadus callarias*) or haddock (*Gadus aeglefinus*) in any area set out in the schedule to this Order any net except a net constructed in such manner and having a mesh of at least such size as is prescribed by the said schedule in relation to the area in which the net is to be used.

4.—(1) Except as provided in the succeeding paragraphs of this Article, no person shall use any net to which this Order applies in such manner as to obstruct or in effect to diminish the mesh in any part of the net, or cover the net with canvas or any other material, or use any other artifice for the purpose of evading the restrictions imposed by this Order.

(a) 23 & 24 Geo. 5. c. 45. (b) 1 & 2 Geo. 6. c. 30. (c) 11 & 12 Geo. 6. c. 51.
(d) 46 & 47 Vict. c. 22. (e) 52 & 53 Vict. c. 63.

(2) Nothing in this Article shall be deemed to prohibit any person for the purpose of preventing or reducing wear and tear from attaching to the under-side of a cod-end of any net any canvas, netting or other material, or to the upperside of a cod-end of any net any rectangular piece of netting.

(3) Any netting attached to the upperside of a cod-end for the purpose of preventing or reducing wear and tear as aforesaid,

(*a*) shall have a mesh of not less than the minimum size prescribed by the Schedule to this Order for the net to which it is attached ascertained in the same manner as the mesh of a cod-end except that the average of the measurements of any series of any 20 consecutive meshes shall be taken for the purpose of measurement;

(*b*) shall not be fastened to the cod-end except along the forward and lateral edges of the netting and shall be fastened in such a manner that—

(i) it commences not more than four meshes forward of the splitting strop, and ends not less than four meshes in front of the cod-line mesh; or

(ii) if there is no splitting strop, so that it extends forward from a point not less than four meshes in front of the cod-line mesh for not more than one-third of the length of the cod-end.

(*c*) shall in width be at least one-and-a-half times the width of the part of the cod-end which is covered by it, such widths to be measured at right angles to the long axis of the cod-end.

5. In any proceedings in respect of a contravention of the provisions of this Order regulating the construction of, and the size of mesh of, any net, it shall be a defence to prove that at the date of the alleged contravention the fishing boat carrying the net either—

(*a*) was in the course of, or had recently returned from, a voyage undertaken mainly for the purpose of fishing for fish other than cod or haddock in the area referred to in the Schedule to this Order as sub-area 5, and that neither the total quantity of cod, nor the total quantity of haddock, taken by that boat in that area in the period of 12 months preceding such date exceeded 10 per cent. of all the trawl-caught fish taken in that area during such period by that boat; or—

(*b*) was in the course of, or had recently returned from, a voyage undertaken mainly for the purpose of fishing for fish other than cod or haddock in any of the areas referred to in the Schedule to this Order except sub-area 5, and that the boat did not have on board during the voyage an amount of cod, or an amount of haddock, exceeding in either case 5,000 lb. or 10 per cent. by weight of all fish on board, whichever may be the greater.

6. For the purpose of enforcing the provisions of this Order a British Sea-Fishery Officer may, with respect to any British fishing boat registered in the United Kingdom, exercise the following powers:—

(1) He may go on board the boat;

(2) He may examine all fishing implements belonging to the boat;

(3) He may make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Order has been committed.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this ninth day of July, nineteen hundred and fifty-nine.

(L.S.)

John Hare,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this fourteenth day of July, nineteen hundred and fifty-nine.

(L.S.)

John S. Maclay,
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department this fifteenth day of July, nineteen hundred and fifty-nine.

R. A. Butler,
Secretary of State for the Home Department.

SCHEDULE

Area described in the annex to the International Convention for the Northwest Atlantic Fisheries as—	*Minimum size of Mesh*
Sub-area 3, that is to say—	
All waters (except territorial waters) bounded by a line due north from Cape Bauld on the coast of Newfoundland to a point in 52° 15′ north latitude; thence due east to 42° 00′ west longitude; thence due south to 39° 00′ north latitude; thence due west to the point of intersection with a rhumb line extending in a north westerly direction which passes through a point in 43° 30′ north latitude, 55° 00′ west longitude in the direction of a point in 47° 50′ north latitude, 60° 00′ west longitude; thence along such rhumb line to the point of intersection with a straight line connecting Cape Ray on the coast of Newfoundland with Cape North on Cape Breton Island, thence to Cape Ray on the coast of Newfoundland; thence by the southern and eastern coasts of Newfoundland to Cape Bauld on the north coast of Newfoundland.	A mesh of not less than 4 inches or 102 millimetres when measured wet after use, or the equivalent thereof measured dry before use.

	Minimum size of Mesh
Sub-area 4, that is to say—	
All waters (except territorial waters) bounded by a line from Cape Bauld on the north coast of Newfoundland to 59° 15′ north latitude; thence due west to the coast of Labrador; thence by the coast line to the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point 44° 46′ 35·34″ north latitude, 66° 54′ 11·23″ west longitude; thence due south to the parallel of 43° 50′ north latitude; thence due west to the meridian of 67° 40′ west longitude; thence due south to the parallel of 42° 20′ north latitude; thence due east to a point in 66° 00′ west longitude; thence along a rhumb line in a south easterly direction to a point in 42° 00′ north latitude, 65° 40′ west longitude; thence due south to the parallel of 39° 00′ north latitude; thence due east to the point of intersection with a rhumb line extending in a north westerly direction which passes through a point in 43° 30′ north latitude, 55° 00′ west longitude in the direction of a point in 47° 50′ north latitude, 60° 00′ west longitude; thence along such rhumb line to the point of intersection with a straight line connecting Cape Ray on the coast of Newfoundland with Cape North on Cape Breton Island; thence along such connecting line to Cape Ray on the coast of Newfoundland; thence by the east and north coasts of Newfoundland to Cape Bauld.	A mesh of not less than 4½ inches or 114 millimetres when measured wet after use, or the equivalent thereof measured dry before use.
Sub-area 5, that is to say—	
All waters (except territorial waters) bounded by a line from the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point 44° 46′ 35·34″ north latitude, 66° 54′ 11·23″ west longitude; thence due south to the parallel of 43° 50′ north latitude; thence due west to the meridian of 67° 40′ west longitude; thence due south to the parallel of 42° 20′ north latitude; thence due east to a point in 66° 00′ west longitude; thence along a rhumb line in a south easterly direction to a point in 42° 00′ north latitude, 65° 40′ west longitude; thence due south to the parallel of 39° 00′ north latitude; thence due west to a point in 71° 40′ west longitude; thence due north to the coast of Rhode Island.	A mesh of not less than 4½ inches or 114 millimetres when measured wet after use, or the equivalent thereof when measured dry before use.

For the purpose of this schedule the minimum size of mesh of any net when measured wet after use shall be ascertained by taking—

(*a*) in the cod-end of the net, the average of the measurements of any fifty consecutive meshes running parallel to the long axis of the cod-end, beginning at the after end of the cod-end, and being at least ten meshes from the lacings, or, if the cod-end is less than 50 meshes in length, the average of the measurements of the meshes in any series of consecutive meshes running the full length of the cod-end, parallel to the long axis of the cod-end and at least

ten meshes from the lacings, such measurements to be made with a flat wedge-shaped gauge having a taper of 2cm. in 8cm. and a thickness of 3/32 in. or 2·3 mm., inserted into the meshes under a pressure of not less than 10 lb. or 4·5 kg. nor more than 15 lb. or 6·8 kg. and

(*b*) in any part of the net other than the cod-end the average of the measurements of the meshes in any series of twenty consecutive meshes, such series to be at least ten meshes from the lacings, and such measurements to be made with a flat wedge-shaped gauge having a taper of 2cm. in 8cm. and a thickness of 3/32 in. or 2·3 mm., inserted into the meshes under a pressure of not less than 10 lb. or 4·5 kg. nor more than 15 lb. or 6·8 kg.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

Section 3 of the Sea-Fishing Industry Act, 1933, as amended by section 38 of the Sea Fish Industry Act, 1938 and section 1 of the White Fish and Herring Industries Act, 1948, authorises the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively to make orders controlling the construction of, and the size of mesh of, fishing nets carried in any British fishing boat registered in the United Kingdom. This order regulates the construction and size of mesh of nets carried in British fishing boats fishing in three areas in the Northwest Atlantic. The order defines the areas and prescribes the requirements to which the nets used in the respective areas must conform. The areas and sizes of mesh were those agreed by the International Commission for the Northwest Atlantic Fisheries in June, 1956.

1959 No. 1333

The Sea-Fishing Industry (Fishing Nets) (Variation) Order, 1959

Made - - - -	*29th July*, 1959
Laid before Parliament	*5th August*, 1959
Coming into Operation	*6th August*, 1959

The Minister of Agriculture, Fisheries and Food, and the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively in exercise of the powers conferred upon them by sections 3 and 8 of the Sea-Fishing Industry Act, 1933(**a**) as amended by section 38 of the Sea Fish Industry Act, 1938(**b**) and section 1 of the White Fish and Herring Industries Act, 1948(**c**) and of all other powers enabling them in that behalf hereby make the following Order :—

1. This Order may be cited as the Sea-Fishing Industry (Fishing Nets) (Variation) Order, 1959, and shall come into operation on the 6th day of August, 1959.

2. The Sea-Fishing Industry (Fishing Nets) Order, 1956(**d**), as varied by the Sea-Fishing Industry (Fishing Nets) (Amendment) Order, 1958(**e**) (hereinafter referred to as the principal Order), shall have effect, subject to the variations set out in this Order.

(**a**) 23 & 24 Geo. 5. c. 45. (**b**) 1 & 2 Geo. 6. c. 30. (**c**) 11 & 12 Geo. 6. c. 51.
(**d**) S.I. 1956/531 (1956 II, p. 2205). (**e**) S.I. 1958/279 (1958 II, p. 2129).