STATUTORY INSTRUMENTS

1982 No. 1844

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Fishing Nets (Variation) (No. 5) Order 1982

Made - - - -	*22nd December* 1982
Laid before Parliament	*23rd December* 1982
Coming into Operation	*30th December* 1982

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 3, 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 and commencement

1. This order may be cited as the Fishing Nets (Variation) (No. 5) Order 1982 and shall come into operation on 30th December 1982.

Variation of the Fishing Nets Order 1981

2. The Fishing Nets Order 1981 (**b**) shall be further varied—

(a) by substituting for paragraph (2) of article 5 thereof the following paragraph:—

"(2) The exemption in paragraph (1) of this article shall not apply to a net carried in a fishing boat for the purpose of fishing in ICES IIa (Norwegian Sea), IV (North Sea), VI (Rockall and West of Scotland) or VII (Irish Sea, South Coast of Ireland, Bristol Channel and English Channel) for any description of sea fish other than nephrops (*Nephrops norvegicus*), if the net has in any part of its cod-end any mesh larger than 55 mm.";

(b) by inserting in article 10(1) thereof after the words "a net carried in a fishing boat" the words "for the purpose of fishing for any description of sea fish other than shrimps (*Crangon* spp) or prawns (*Pandalus montagui*) within 12 miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured,";

(c) by inserting in article 10(2) thereof after the Latin name "*Pandalus* spp" the words "except *Pandalus montagui*";

(**a**) 1967 c.84; section 15(3) was amended by the Sea Fisheries Act 1968 (c.77), Schedule 1, paragraph 38(3); sections 3 and 15(3) were amended by the Fishery Limits Act 1976 (c.86), Schedule 2, paragraph 16(1); section 22(2) (*a*) which contains a definition of "the Ministers" for the purposes of sections 3 and 15(3) was amended by the Fisheries Act 1981 (c.29), sections 19(2)(*d*) and 45(*b*).

(**b**) S.I. 1981/1869, varied by S.I. 1982/453, 573, 874, 1372.

(d) by adding to article 11 thereof the following paragraph:—

"(3) The provision in note (1) to Schedule 2 specifying a minimum mesh size lower than 130 mm in respect of fishing for blue ling (*Molva dypterygia*) in ICES Vb shall not apply to a net carried in a fishing boat fishing for that description of sea fish in that specified ICES area, if the catch on board that fishing boat taken with that net includes more than 10 per cent of any description of sea fish specified in Schedule 5.";

(e) by substituting for article 12 thereof the following article:—

"Beam trawling within 12 miles of United Kingdom baselines

12.—(1) There shall not be carried in any fishing boat of over—

(a) 70 gross registered tons; or

(b) 300 brake horse power;

in any waters within 12 miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured any beam trawl which is not properly lashed and stowed in such a way that it may not readily be used, unless it is being carried for the purpose of fishing for a description of sea fish other than sole (*Solea solea*) or plaice (*Pleuronectes platessa*).

(2) For the purposes of paragraph (1) of this article, a beam trawl carried in a fishing boat shall be deemed to have been carried in a boat for the purpose of fishing for sole or plaice if the catch on board that fishing boat includes more than 10 per cent of sole and plaice taken together.

(3) In this article—

"beam trawl" means any net which is constructed to take fish whilst being towed along the sea-bed by a fishing boat and has its mouth extended by a beam, bar or other rigid device;

"brake horse power" means, in relation to a fishing boat, the total continuous rated brake or shaft power of all the propulsion engines, irrespective of whether some of the power may be diverted from the propulsion shafts or whether all the power is not normally used.";

(f) by substituting the date "31st March 1983" for the date mentioned in article 14 thereof (which specifies the date on which the order shall cease to have effect);

(g) by inserting immediately after the first entry in column 3 of Schedule 2 thereto (which specifies the minimum mesh size for nets in ICES Vb the symbol "(1)" and adding at the end of that Schedule the following note:—

"(1) When fishing for blue ling (*Molva dypterygia*) in ICES Vb the minimum mesh size is 80 mm.";

(h) by substituting in columns 2 and 3 of Schedule 3 thereto for the entries specifying the minimum mesh size for a net carried in a fishing boat for the purpose of fishing in ICES IIa, IV, VI or VII for prawns (*Pandalus* spp) the following entries:—

Column 2	Column 3
Description of sea fish	Minimum size of mesh (mm)
"Prawns (*Pandalus* spp except *Pandalus montagui*)	30
Prawns (*Pandalus montagui*)	20";

(i) by substituting for the Latin name of common sea bream specified in column 1 of Schedule 5 thereto the name: "*Pagellus bogaraveo*".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd December 1982.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

22nd December 1982.

Nicholas Edwards,
Secretary of State for Wales.

22nd December 1982.

James Prior,
Secretary of State for Northern Ireland.

22nd December 1982.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order varies the Fishing Nets Order 1981, as varied, by—

(a) disapplying the exemption of small meshed nets used for specified description of sea fish from the general provision as to minimum size of mesh if the net has in any part of its cod-end any mesh larger than 55 mm (instead of 50 mm) and is not being carried for the purpose of fishing for nephrops (article 2(a));

(b) excluding fishing for shrimps or prawns within 12 miles of United Kingdom baselines from certain existing by-catch conditions of exemption for small-meshed nets (article 2(b));

(c) amending the Latin name for prawns in article 10(2) of that order (article 2(c));

(d) specifying a minimum mesh size of 80 mm for nets carried for the purpose of fishing for blue ling in ICES Vb, subject to a by-catch condition (article 2(d) and (g));

(e) prohibiting the use of a beam trawl for the purpose of fishing for sole or plaice by fishing boats of over 70 GRT or 300 bhp throughout the United Kingdom 12-mile belt and specifying circumstances in which a beam trawl is deemed to have been carried for the purpose of fishing for sole or plaice (article 2(e));

(f) extending the duration of that order from 31st December 1982 until 31st March 1983 (article 2(f));

(g) by reducing, in respect of fishing for the species of prawns known as *Pandalus montagui* in ICES IIa, IV, VI or VII, the minimum mesh size from 30 mm to 20 mm (article 2(h));

(h) by substituting for the Latin name of common sea bream specified in column 1 of Schedule 5 thereto the name "*Pagellus bogaraveo*" (article 2(i)).

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