STATUTORY INSTRUMENTS

1987 No. 1564

SEA FISHERIES

CONSERVATION OF SEA FISH

The Herring and White Fish (Specified Manx Waters) Licensing (Variation) Order 1987

Made - - - -	*4th September 1987*
Laid before Parliament	*7th September 1987*
Coming into force	*8th September 1987*

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 4, 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 Herring and White Fish (Specified Manx Waters) Licensing (Variation) Order 1987, and shall come into force on 8th September 1987.

Variation of the Herring and White Fish (Specified Manx Waters) Licensing Order 1983

2. The Herring and White Fish (Specified Manx Waters) Licensing Order 1983(**b**) is hereby varied–

(a) in article 3 thereof (prohibition of fishing without licence and exception thereto) by substituting for the words "Isle of Man Board of Agriculture and Fisheries" the words "Department of Agriculture, Fisheries and Forestry, the Isle of Man";

(b) by substituting for article 4 thereof (retention on board of fish) the following article–

"4. Notwithstanding the provisions of section 4(9A)(b) of the Sea Fish (Conservation) Act 1967 (return to the sea of fish the fishing for which is prohibited), there may be retained on board any fishing boat to which this Order applies a quantity of sea fish consisting of one or more of the specified white fish of the following species, namely cod (*Gadus morhua*), plaice (*Pleuronectes platessa*) and whiting (*Merlangius merlangus*), the fishing for which is for the time being prohibited by or under this Order, which–

(a) has been taken on board that fishing boat in the area of sea described in Schedule 2 to this Order in the course of fishing in that area for other

(**a**) 1967 c.84; section 4 was amended by the Fishery Limits Act 1976 (c.86), section 3 and by the Fisheries Act 1981 (c.29), section 20; section 15(3) was amended by the Sea Fisheries Act 1968 (c.77), Schedule 1, paragraph 38(3) and by the Fishery Limits Act 1976, Schedule 2, paragraph 16(1); section 4 was applied in relation to British fishing boats registered in the Isle of Man and any of the Channel Islands by the Sea Fish (Conservation) (Manx Boats) Order 1978 (S.I. 1978/281) and the Sea Fish (Conservation) (Channel Islands Boats) Order 1978 (S.I. 1978/280); section 22(2)(a) which contains a definition of "the Ministers" for the purposes of sections 4 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

(**b**) S.I. 1983/1204, varied by S.I. 1983/1879 and S.I. 1986/1439.

specified white fish or any other description of sea fish the fishing for which is not for the time being prohibited by or under this Order or any other enactment; and

(b) does not exceed 10 per cent. by weight of the total catch of sea fish on board that fishing boat.".

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th September 1987.

L.S.

John Selwyn Gummer
Minister of State,
Ministry of Agriculture, Fisheries and Food

Ian Lang
1987 Minister of State, Scottish Office

Ian Grist
Parliamentary Under Secretary of State,
1987 Welsh Office

Brian S. Mawhinney
Parliamentary Under Secretary of State,
1987 Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the Herring and White Fish (Specified Manx Waters) Licensing Order 1983 as varied ("the 1983 Order") which prohibits fishing for herring and for descriptions of white fish specified in the Order within the twelve-mile belt around the Isle of Man but outside territorial waters without a licence.

The reference to the Isle of Man Board of Agriculture and Fisheries is replaced by a reference to the Department of Agriculture, Forestry and Fisheries, the Isle of Man (article 2(a)).

Article 4 of the 1983 Order permits the retention on board a fishing boat of a quantity of one or more of the descriptions of white fish specified therein, the fishing for which is for the time being prohibited, when caught as a by catch not exceeding ten per cent. by weight of the total catch of sea fish on board the fishing boat in the course of lawful fishing for another description of sea fish.

This Order replaces that article and restricts the scope of the new article 4 to a by catch of cod, plaice and whiting, in consequence of which fish of any other description of white fish specified in the 1983 Order, the fishing for which is for the time being prohibited under article 3 thereof, must in all circumstances be returned to the sea forthwith in accordance with the provisions of section 4 (9A) of the Sea Fish (Conservation) Act 1967 (inserted by section 20(4) of the Fisheries Act 1981) (article 2(b)).

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