STATUTORY INSTRUMENTS

1980 No. 1657

SEA FISHERIES

LANDING AND SALE OF SEA FISH

The Herring (Restrictions on Landing) Order 1980

Made - - - -	*31st October* 1980
Laid before Parliament	*4th November* 1980
Coming into Operation	*25th November* 1980

The Minister of Agriculture Fisheries and Food and 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 on them by sections 6, 15 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, after consultation with the Secretary of State for Trade(c), hereby make the following order:—

Citation and commencement

1. This order may be cited as the Herring (Restrictions on Landing) Order 1980, and shall come into operation on 25th November 1980.

Interpretation

2. In this order unless the context otherwise requires—

"by-catch" in relation to any description of sea fish means sea fish of that description caught in the course of fishing for any other description of sea fish;

"permitted by-catch" means a by-catch of herring which—

(*a*) forms part of a catch caught in one of the areas of sea specified in column 1 of the Schedule to this order; and

(*b*) does not exceed in weight the appropriate percentage of the total weight of the catch specified in column 2 of that Schedule opposite the reference to that area in column 1, determined on the basis of a representative sample—

(i) of not less than 20kg in the case of a catch of sprats (*Sprattus sprattus*);

(ii) of not less than 100kg in any other case,

taken by a British sea fishery officer from that catch.

(a) 1967 c. 84; section 15 was amended by the Sea Fisheries Act 1968 (c. 77), section 22(1) and Schedule 1, paragraph 38, and by the Fishery Limits Act 1976 (c. 86), section 9(1) and Schedule 2, paragraph 16(1).

(b) By article 2(3) of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(c) For transfer of functions from the Board of Trade to the Secretary of State for Trade and Industry, and subsequently to the Secretary of State for Trade, see S.I. 1970/1537, 1974/692.

Revocation

3. The Herring By-Catch (Restrictions on Landing) (No. 2) Order 1976(**a**) and the Herring By-Catch (Restrictions on Landing) (No. 2) (Variation) Order 1979(**b**) are hereby revoked.

Restrictions on landing

4.—(1) Subject to paragraph (2) of this article, the landing in the United Kingdom of herring (*Clupea harengus*) caught in any of the areas of sea specified in the Schedule to this order is hereby prohibited.

(2) There is hereby excepted from the prohibition imposed by paragraph 1 of this article the landing of—

(*a*) herring caught in one of the said areas of sea by a fishing boat authorised to fish for herring in that area by a licence granted by or on behalf of one of the Ministers or by the Isle of Man Board of Agriculture and Fisheries pursuant to an order made under section 4 of the Sea Fish (Conservation) Act 1967(**c**);

(*b*) herring caught in any waters within the sovereignty or jurisdiction of any member state of the Communities other than the United Kingdom and in compliance with such enactments of the Communities as regulate or relate to fishing for herring in those waters; and

(*c*) a permitted by-catch.

(3) Paragraph (2)(*c*) of this article shall apply notwithstanding the prohibitions contained in article 4 of the Herring (Restrictions on Landing) Order 1976(**d**) (which prohibits the landing in the United Kingdom of undersized herring taken in the North Sea or off the West coast).

Enforcement

5. For the purposes of the enforcement of this order there are hereby conferred on every British sea-fishery officer all the powers of a British sea-fishery officer under section 8(2) to (4) of the Sea Fisheries Act 1968.

Variation

6. The Herring (Restrictions on Landing) Order 1976(**d**) shall be varied by substituting in article 4(1) thereof for the words "without prejudice to the provisions of article 4 of the Herring By-Catch (Restrictions on Landing) (No. 2) Order 1976" the words "except in the case of a permitted by-catch as defined in article 2 of the Herring (Restrictions on Landing) Order 1980".

Duration of Order

7. The provisions of this order shall cease to have effect on 31st December 1980.

In Witness whereof the Official Seal of the Minister of Agriculture Fisheries and Food is hereunto affixed on 27th October 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

(**a**) S.I. 1976/2094. (**b**) S.I. 1979/398.

(**c**) A new section 4 was substituted by the Fishery Limits Act 1976, section 3; for the extension of the 1967 Act to the Isle of Man see S.I. 1977/1244, 1973/237.

(**d**) S.I. 1976/2095.

George Younger,
29th October 1980. Secretary of State for Scotland.

Humphrey Atkins,
31st October 1980. Secretary of State for Northern Ireland.

Nicholas Edwards,
30th October 1980. Secretary of State for Wales.

SCHEDULE

AREAS OF SEA AND PERCENTAGES OF PERMITTED BY-CATCHES

Column 1 Areas of Sea	Column 2 Percentage of permitted by-catch
North-East Atlantic The waters, excluding the areas described below and that part of the Baltic Sea not within the sovereignty or jurisdiction of any member state of the Communities, bounded on the south by a line running due west from a point on the coast of France at 48° north latitude to the meridian of 18° west longitude; thence due north to the parallel of 54° 30′ north latitude; thence due east to the meridian of 12° west longitude; thence due north to the parallel of 60° north latitude; thence due east to the meridian of 5° west longitude; thence due north to the parallel of 60° 30′ north latitude; thence due east to the meridian of 4° west longitude; thence due north to the parallel of 62° north latitude; thence due east to the coast of Norway.	In a catch of sprats: 10% In a catch of any sea fish other than sprats: 5%
South-Western Approaches The waters, excluding the area of Bantry Bay, enclosed by a line starting on the west coast of Ireland at the parallel of 52° 30′ north latitude; thence due west to the meridian of 18° west longitude; thence due south to the parallel of 48° north latitude; thence due east to the meridian of 5° west longitude; thence due north to the parallel of 49° 30′ north latitude; thence due west to the meridian of 7° west longitude; thence due north to the parallel of 50° 30′ north latitude; thence due east to the meridian of 6° west longitude; thence due north to the parallel of 51° north latitude; thence due east to the meridian of 5° west longitude; thence due north to the Welsh coast; thence in a northerly direction along the Welsh coast to a point on the parallel of 52° 30′ north latitude; thence due west to the coast of Ireland.	In a catch of any sea fish: zero

Column 1 Areas of Sea	Column 2 Percentage of permitted by-catch
The Kattegat The waters enclosed in the north by a line drawn from Skagen lighthouse, Denmark to Paternoster Lighthouse, and thence due east to the coast of Sweden; and in the south by lines drawn from Hasenore Head, Denmark, to Gniben Point, Denmark, from Korshage, Denmark, to Spodsbierg, Denmark and from Gilbierg Head, Denmark, to Kullen, Sweden.	In a catch of sprats:15% In a catch of any sea fish other than sprats: 5%
Bantry Bay The waters north of a line joining Dursey Head and Mizen Head and enclosed by the shores of Bantry Bay.	In a catch of sprats: 10% In a catch of any sea fish other than sprats: 5%

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies throughout the United Kingdom, prohibits the landing in the United Kingdom of herring caught in the North Sea and other waters surrounding the United Kingdom. Exceptions are provided for—

(*a*) herring caught under a licence granted by one of the Fisheries Ministers or the Isle of Man Board of Agriculture and Fisheries;

(*b*) herring caught in waters coming under the jurisidiction of another member state in compliance with Community law;

(*c*) permitted by-catches.

Permitted by-catches are specified in the Schedule to the Order by reference to different areas of sea.

The Order implements Council Regulation (EEC) No. 754/80 O.J. No. L 84, 28.3.80, p. 36 in so far as it relates to total allowable catches for herring and Article 8(4) of Council Regulation (EEC) No. 2527/80 O.J. No. L 258, 1.10.80, p. 1.

The Herring By-Catch (Restrictions on Landing) (No. 2) Order 1976 as varied is revoked.

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