STATUTORY INSTRUMENTS

1968 No. 1618

SEA FISHERIES

LANDING AND SALE OF SEA FISH

The Immature Sea-Fish Order 1968

Made - - - -	10*th October* 1968
Laid before Parliament	18*th October* 1968
Coming into Operation	24*th October* 1968

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, in exercise of the powers conferred upon them by section 1 of the Sea Fish (Conservation) Act 1967(a) and of all other powers enabling them in that behalf, hereby make the following Order—

1. This Order may be cited as the Immature Sea-Fish Order 1968, and shall come into operation on 24th October 1968.

2.—(1) In this Order—
"the Act" means the Sea Fish (Conservation) Act 1967;
"fishing boat" means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or the sea fishing service.

(2) In determining for the purposes of this Order whether or not a fish is less than the minimum size set out in Schedule 1 to this Order, the size of the fish shall be the length of the whole fish measured from tip of snout to extreme end of tail fin.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The Sea-Fishing Industry (Immature Sea-Fish) Order 1961(c) is hereby revoked.

4. For the purposes of section 1(1) of the Act (which prohibits the landing, sale, exposure or offer for sale, or possession for the purpose of sale of sea fish of any description being a fish of a smaller size than that prescribed in relation to sea fish of that description by an Order made under that section) there is hereby prescribed in relation to sea fish of the description specified in column 1 of Schedule 1 to this Order the minimum size specified in column 2 of Schedule 1 opposite that description.

(a) 1967 c. 84.
(b) 1889 c. 63.
(c) S.I. 1961/543 (1961 I, p. 1212).

5. There is hereby exempted from section 1(3) of the Act (which imposes an obligation to return to the sea forthwith any sea-fish of any description taken on board a fishing boat which are of less than the minimum size prescribed in relation to sea fish of that description by this Order) any British fishing boat registered in the United Kingdom if and so long as the following conditions are complied with:—

(1) that sea fish of the description specified in column 1 of Schedule 1 to this Order which are of less than the minimum size specified in column 2 of Schedule 1 opposite that description (hereinafter referred to as "undersized fish") are taken on board the fishing boat in the course of fishing for the species listed in Schedule 2 to this Order; and

(2) that any undersized fish taken and retained on board shall be comprised in the catch (or part of the catch) which is not intended for human consumption and shall not exceed in weight one-tenth of the total weight of such catch (or part of the catch).

6. Any undersized fish retained on board the fishing boat in pursuance of an exemption under Article 5 hereof shall be excepted from the prohibitions of Section 1(1) of the Act subject to the further condition that such undersized fish shall at all times be dealt with and disposed of in the same manner as the remainder of the catch (or part of the catch) which is not intended for human consumption.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th October 1968.

(L.S.) *Cledwyn Hughes,*

Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 10th October 1968.

(L.S.) *William Ross,*

Secretary of State for Scotland.

SCHEDULE 1

Column 1	Column 2
Description	Minimum size
	Centimetres
Cod (Gadus morhua)	30
Haddock (Melanogrammus aeglefinus)	27
Hake (Merluccius merluccius)	30
Plaice (Pleuronectes platessa)	25
Witches (Glyptocephalus cynoglosus)	28
Lemon Soles (Microstomus kitt)	25
Soles (Solea solea)	24
Turbot (Psetta maxima)	30
Brill (Scophthalmus rhombus)	30
Megrims (Lepidorhombus whiff jagonis)	25
Whitings (Merlangius merlangus)	25
Dabs (Limanda limanda)	15

SCHEDULE 2

Mackerel (Scomber scombrus)
Clupeoid fish
Sand-eels (Ammodytes)
Norway pout (Trisopterus esmarkii)
Smelts (Osmerus)
Great Weevers (Trachinus draco)
Capelin (Mallotus villosus)
Horse mackerel (Trachurus trachurus)
Blue Whiting (Micromesistius poutassou)
Polar Cod (Boreogadus saida)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order supersedes the Sea-Fishing Industry (Immature Sea-Fish) Order 1961. It continues the provisions of the earlier Order apart from reducing the minimum size for dabs from 20 centimetres to 15 centimetres. In addition, it allows vessels engaged in fishing for the species listed in Schedule 2 to retain and land undersized fish of the species listed in Schedule 1 provided that these undersized fish do not exceed 10 per cent by weight of the catch (or part of the catch) not intended for human consumption.