STATUTORY INSTRUMENTS

1979 No. 741

SEA FISHERIES

LANDING AND SALE OF SEA FISH

The Immature Sea Fish Order 1979

Made - - - -	*25th June* 1979
Laid before Parliament	*29th June* 1979
Coming into Operation	*1st July* 1979

The Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with the sea fishing industry in Scotland and the Secretary of State for Wales, acting jointly in exercise of the powers conferred by section 1(1), (4) and (5) of the Sea Fish (Conservation) Act 1967(**a**), and the said Minister, the said Secretaries of State and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, in exercise of the powers conferred by section 15(**b**) of the said Act, and now in each case vested in them(**c**) and of all their other enabling powers, hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Immature Sea Fish Order 1979, and shall come into operation on 1st July 1979.

(2) In this order "the Act" means the Sea Fish (Conservation) Act 1967.

(3) A reference in this order to a numbered article or Schedule shall be construed as a reference to the article or Schedule bearing that number in this order.

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

Revocation

2. The Immature Sea-Fish Order 1968(**d**) is hereby revoked.

Minimum sizes for sea fish

3. For the purposes of section 1(1) of the Act (which prohibits in Great Britain 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 smaller size

(**a**) 1967 c. 84; section 1 was amended by the Sea Fisheries Act 1968 (c. 77) section 16, and by the Fishery Limits Act 1976 (c. 86), section 9(1) and Schedule 2.
(**b**) As amended by the said Act of 1968, section 22(1) and Schedule 1, paragraph 38, and by the said Act of 1976, section 9(1) and Schedule 2, paragraph 16(1).
(**c**) By the Transfer of Functions (Wales) (No. 1) Order 1978; S.I. 1978/272.
(**d**) S.I. 1968/1618.

than that prescribed in relation to sea fish of that description by an order made under that subsection) there is hereby prescribed in relation to sea fish of the description specified in column 1 of Schedule 1 the minimum size specified in column 2 thereof opposite that description.

Application of order to foreign fishing boats

4. Pursuant to section 1(4) of the Act and subject to article 5, sea fish of any description which are of less than the minimum size prescribed by this order in relation to sea fish of that description shall not be carried by any foreign fishing boat in waters adjacent to the United Kingdom and within British fishery limits.

Exemption

5.—(1) There is hereby exempted from the prohibition imposed by article 4 or that imposed by section 1(3) of the Act (which prohibits the carrying by British fishing boats within or outside British fishery limits of sea fish which are of less than the minimum size prescribed by this order) any foreign fishing boat and any British fishing boat registered in the United Kingdom if and so long as the following conditions are complied with:—

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

(*b*) that any undersized fish taken and retained on board constitute the catch (or that part of the catch) which is not intended for human consumption and do not exceed in weight one tenth of the total weight of such catch (or such part thereof).

(2) Undersized fish retained on board in accordance with article 5(1) shall be exempt from the prohibitions imposed by section 1(1) of the Act if and so long as they are dealt with and disposed of in the same manner as the remainder of the catch (or that part of the catch) which is not intended for human consumption.

Enforcement

6. For the purpose 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(**a**).

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th June 1979.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

(**a**) As subsection (4) is amended by the Fishery Limits Act 1976, section 9(1) and Schedule 2, Paragraph 17(1).

George Younger,
Secretary of State for Scotland.

19th June 1979.

Humphrey Atkins,
Secretary of State for Northern Ireland.

20th June 1979.

Nicholas Edwards,
Secretary of State for Wales.

18th June 1979.

Article 3

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 whiffiagonis*)	25
Whitings (*Merlangius merlangus*)	27
Dabs (*Limanda limanda*)	15

SCHEDULE 2

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

EXPLANATORY NOTE

(This note is not part of the Order.)

This order supersedes the Immature Sea-Fish Order 1968. It continues the provisions of the previous order setting minimum sizes for specified sea fish landed or sold in Great Britain (with an increase in the minimum size for whiting from 25 to 27 centimetres). It also extends to foreign fishing boats within British fishery limits the statutory provisions against the carriage of undersized fish, with certain exceptions in respect of by-catches connected with catches of specified sea fish taken for purposes other than human consumption.

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