STATUTORY INSTRUMENTS

1980 No. 1808

SEA FISHERIES

LANDING AND SALE OF SEA FISH

The Immature Sea Fish Order 1980

Made - - - -	*27th November* 1980
Laid before Parliament	*28th November* 1980
Coming into Operation	*19th December* 1980

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 sections 1(1), (4) and (5) and 20 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(3) of the said Act(**b**), and now in each case vested in them (**c**) and of all their other enabling powers hereby make the following order:—

Citation and commencement

1. This order may be cited as the Immature Sea Fish Order 1980 and shall come into operation on 19th December 1980.

Interpretation

2. In this order—

"the Council Regulation" means Council Regulation (EEC) No. 2527/80(**d**) laying down technical measures for the conservation of fishery resources;

"sea fish" does not include salmon or migratory trout;

"size" means length measured in accordance with the procedure prescribed by article 11(4) of the Council Regulation.

Revocation

3. The orders set out in the Schedule to this order are hereby revoked.

Prescribed minimum sizes

4. For the purposes of section 1(1) of the Sea Fish (Conservation) Act 1967 (which prohibits in Great Britain the landing, sale, exposure, or offering for sale or possession for the purpose of sale of any sea fish of any description,

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

(**b**) Section 15 is amended by the Sea Fisheries Act 1968, section 22(1) and Schedule 1 paragraph 38, and the Fishery Limits Act 1976, section 9(1) and Schedule 2 paragraph 16(1).

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

(**d**) OJ No L258, 1.10.80, p. 1.

being a fish of smaller size than such size as may be prescribed in relation to sea fish of that description), there are hereby prescribed—

(*a*) for any description of sea fish referred to in Annex V of the Council Regulation, the size specified in that Annex for the region identified as region 2 in article 1 of that Regulation; and

(*b*) for any description of sea fish referred to in Annex VI of the Council Regulation, the size specified in that Annex for the region identified as region 2 in article 1 of that Regulation (excepting where appropriate the Skagerrak and Kattegat) in relation to the appropriate period so specified.

Prohibition

5. The carrying by any foreign fishing boat in waters adjacent to the United Kingdom and within British fishery limits of sea fish of any description which are of a smaller size than that prescribed in relation to sea fish of that description by article 4 above is hereby prohibited.

Exemption

6. There are hereby exempted from the prohibition imposed by section 1 of the Sea Fish (Conservation) Act 1967 and article 5 of this order—

(*a*) the landing, selling, exposure or offering for sale or possession for the purpose of sale, or the carrying by any foreign fishing boat in waters adjacent to the United Kingdom and within British fishery limits or by any British fishing boat—

(i) of sea fish of any description referred to in Annex V to the Council Regulation, being sea fish of a smaller size than that prescribed in relation to sea fish of that description by article 4 of this order and taken in either of the regions identified as region 1 or 3 in article 1 of the Council Regulation provided that such sea fish are not of a smaller size than that specified in that Annex in relation to sea fish of that description taken in that region;

(ii) of sea fish of any description other than mackerel referred to in Annex VI to the Council Regulation, being sea fish of a smaller size than that prescribed in relation to sea fish of that description by article 4 of this order and taken in either of the regions identified as region 1 or 3 in article 1 of the Council Regulation or in the Skagerrak and Kattegat provided that such sea fish are not of a smaller size than such size as may be specified in that Annex in relation to sea fish of that description taken in that area; or

(iii) of mackerel, being of a smaller size than that prescribed in relation to that description of sea fish by article 4 of this order and taken in any area of sea other than that part of the region identified as region 2 in article 1 of the Council Regulation specified in relation to that description of sea fish in the said Annex VI; and

(*b*) the landing of a quantity of sea fish of any description referred to in article 11(1) of the Council Regulation, being sea fish of a smaller size than that prescribed in relation to sea fish of that description by article 4 of this order, not exceeding the percentage of the total weight of the catch of that description prescribed by the said article 11(1).

Enforcement

7. 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).

Duration

8. The provisions of this order shall cease to have effect on 20th December 1980.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food was hereunto affixed on 21st November 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

25th November 1980.

George Younger,
Secretary of State for Scotland.

26th November 1980.

Nicholas Edwards,
Secretary of State for Wales.

27th November 1980.

Humphrey Atkins,
Secretary of State for Northern Ireland.

(a) 1968 c. 77; section 8(4) was amended by the Fishery Limits Act 1976, sections 2(8) and 9(1) and paragraph 17(1) of Schedule 2.

Article 3

SCHEDULE

REVOCATION

Column 1 Orders revoked	Column 2 References
The Mackerel (Regulation of Landing) Order 1974.	S.I. 1974/397.
The Immature Sea Fish Order 1979.	S.I. 1979/741.
The Immature Nephrops Order 1979.	S.I. 1979/742.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order, which is made to implement the United Kingdom's obligation to provide for the enforcement of Council Regulation (EEC) No 2527/80 laying down technical measures for the conservation of fishery resources (OJ No L258, 1.10.80, p. 1) prescribes for the purposes of section 1(1) of the Sea Fish (Conservation) Act 1967 minimum sizes for the descriptions of sea fish (other than salmon and migratory trout) referred to in Annex V or VI to that Regulation, and prohibits the carrying within British fishery limits by foreign fishing boats of such sea fish if they are less than the prescribed size.

There are exempted from the prohibitions imposed by section 1 of the said Act and article 5 of this order:—

(1) the landing, selling or carrying of undersized sea fish of any description other than mackerel caught in an area of sea specified in relation to that description in the said Annex V or VI and conforming to the minimum size specified therein in relation to that description caught in that area; and

(2) the landing, selling or carrying of undersized mackerel caught in any area of sea other than that specified in relation to that description of sea fish in the said Annex VI; and

(3) the landing of a by-catch of undersized sea fish of any description referred to in article 11(1) of the said Council Regulation not exceeding the percentage of the total weight of the catch of that description prescribed by that article.

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