STATUTORY INSTRUMENTS

1978 No. 1538

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Mackerel Licensing (Variation) Order 1978

Made - - - -	*24th October* 1978
Laid before Parliament	*25th October* 1978
Coming into Operation	*5th November* 1978

The Minister of Agriculture, Fisheries and Food, 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 by sections 4 and 20(1) of the Sea Fish (Conservation) Act 1967(**a**) (as section 4 is amended by section 3 of the Fishery Limits Act 1976(**b**)) and now vested in them by Article 2(3) of the Transfer of Functions (Wales) (No. 1) Order 1978(**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 Mackerel Licensing (Variation) Order 1978, and shall come into operation on 5th November 1978.

(2) The Interpretation Act 1889(**d**) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Variation of existing Order

2. For Article 3 of the Mackerel Licensing Order 1977(**e**) there shall be substituted the following article:—

"3.—(1) Subject to paragraph (2) below, fishing by British fishing boats registered in the United Kingdom for mackerel (scomber scombrus) in any of the specified ICES areas is hereby prohibited unless such fishing is authorised by a licence granted by one of the Ministers.

(2) There is hereby excepted from the prohibition imposed by paragraph (1) above fishing by handline or fishing by any British fishing boat whose length is less than 40 ft; and, for the purposes of this paragraph, "length" means the length by reference to which the tonnage of a British fishing boat is calculated for the purposes of registration under Part IV of the Merchant Shipping Act 1894(**f**).".

(**a**) 1967 c. 84. (**b**) 1976 c. 86. (**c**) S.I. 1978/272.
(**d**) 1889 c. 63. (**e**) S.I. 1977/1497. (**f**) 1894 c. 60

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th October 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

18th October 1978.

Bruce Millan,
Secretary of State for Scotland.

21st October 1978.

Roy Mason,
Secretary of State for Northern Ireland.

24th October 1978.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order varies the Mackerel Licensing Order 1977 which prohibits fishing without a licence by British fishing boats registered in the United Kingdom for mackerel in specified areas. The present order excepts from prohibition fishing by handline or fishing by British fishing boats whose registered length is less than 40 ft.

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