STATUTORY INSTRUMENTS

1973 No. 1887

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Sea Fish (Conservation) (Isle of Man) (No. 2) Order 1973

Made - - - 13*th November* 1973

Coming into Operation 1*st January* 1974

At the Court at Buckingham Palace, the 13th day of November 1973

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 24(2) and (3) of the Sea Fish (Conservation) Act 1967(**a**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Sea Fish (Conservation) (Isle of Man) (No. 2) Order 1973 and shall come into operation on 1st January 1974.

2. Section 4 of the Sea Fish (Conservation) Act 1967 (which relates to the licensing of British fishing boats) shall extend to the Isle of Man subject to the adaptations and modifications specified in the Schedule to this Order.

3. The Schedule to the Sea Fish (Conservation) (Isle of Man) Order 1973(**b**) shall be varied as follows:—

(*a*) in paragraph 15, for the words "section 5" there shall be substituted the words "sections 4 and 5";

(*b*) in paragraph 18, for the words "section 1, 3 or 5" in both places where they occur there shall be substituted the words "section 1, 3, 4 or 5";

(*c*) paragraph 19 shall be omitted;

(*d*) in paragraph 20, sub-paragraphs (*a*) and (*b*) shall be omitted;

(*e*) in paragraph 21, for sub-paragraph (*c*) there shall be substituted the following sub-paragraph:—

"(*c*) for the words after "the enforcement of" there shall be substituted the words "section 1, 3, 4 or 5 of this Act or any order made thereunder.".

W. G. Agnew.

(**a**) 1967 c. 84.

(**b**) S.I. 1973/237 (1973 I, p. 890).

SCHEDULE

ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF SECTION 4 TO THE ISLE OF MAN AND THE FISHERY LIMITS ADJACENT THERETO

1. For section 4(1) there shall be substituted the following provisions:—

'(1) As from such day as may be appointed by an order made by the Ministers and subject to such exceptions as may be made by such order no British fishing boat registered in the Isle of Man shall be used by way of trade or business for fishing in any area specified in the order and no fishing boat which is British-owned but not registered under the Merchant Shipping Act 1894(a) (where the owner is resident, or if a body corporate has its principal place of business, in the Isle of Man) shall be used by way of trade or business for fishing for salmon or migratory trout in any area so specified except under the authority of a licence granted by the Isle of Man Board of Agriculture and Fisheries (hereinafter called "the Board") and for the time being in force.

(1A) The preceding subsection shall apply to British fishing boats registered in the United Kingdom and to British-owned fishing boats which are not registered under the Merchant Shipping Act 1894 but whose owner is resident or, if a body corporate, has its principal place of business in the United Kingdom with the following modifications:—

(*a*) the insertion after the words "specified in the order" and "so specified" of the words "and within the fishery limits of the British Islands adjacent to the Isle of Man (but outside the territorial waters)";

(*b*) the substitution for the words "the Isle of Man Board of Agriculture and Fisheries" of the words "one of the Ministers by virtue of section 4(1) of the Sea Fish (Conservation) Act 1967 as it applies in the United Kingdom." '.

2. In section 4(3)—

(*a*) after the words "any licence granted" there shall be inserted the words "by the Board";

(*b*) for the words "Minister granting the licence" there shall be substituted the word "Board".

3. For section 4(5) there shall be substituted the following provision:—

"(5) The licensing powers conferred on the Board by this section may be exercised in consultation with the Ministers so as to limit the number of British fishing boats, or any class of such boats, engaged in fishing in any area for any description of fish to such extent as appears to the Ministers and the Board to be necessary or expedient for preventing overfishing, but the Board shall exercise those powers in such a way as appears to it to be likely to cause the least possible hardship.".

4. For section 4(6) there shall be substituted the following provision:—

"(6) The Board may, with the approval of the Finance Board, make charges for the granting of a licence under this section and may make different charges in relation to different classes of licence.".

5. In section 4(9)(*b*) for the words "Great Britain" there shall be substituted the words "the Isle of Man".

6. After section 4(9) there shall be inserted the following provision:—

"(10) The definitions set out in sections 1(7) and 3(8) of this Act and the definition of the words "British-owned" in section 5(9) of this Act shall have effect for the purposes of this section.".

(a) 1894 c. 60.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies section 4 of the Sea Fish (Conservation) Act 1967 to the Isle of Man with exceptions, adaptations and modifications and makes consequential amendments to the Sea Fish (Conservation) (Isle of Man) Order 1973.

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