1989 No. 2015

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fish Licensing Order 1989

Made - - - -	*1st November 1989*
Laid before Parliament	*2nd November 1989*
Coming into force -	*1st February 1990*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 4, 15(3), 20(1) and 22(2)(a) of the Sea Fish (Conservation) Act 1967**(a)**, and of all other powers enabling them in that behalf, hereby make the following Order:–

Title and commencement

1. This Order may be cited as the Sea Fish Licensing Order 1989 and shall come into force on 1st February 1990.

Interpretation

2. In this Order–

"CECAF Division 34.1.1. (EC Zone)" means the waters commonly known as the Moroccan coast bounded by a line drawn from a position on the coast of Spain in 36°00′ north latitude and 5°36′ west longitude (isthmus of Punto Marroqui); thence due west to 13°00′ west longitude; thence due south to 29°00′ north latitude; thence in a southerly and westerly direction to a position in 26°00′ north latitude and 16°00′ west longitude; thence due east to a point on the coast of the continent of Africa in 26°00′ north latitude; thence in a northerly and easterly direction along the coast of the continent of Africa to a point in 5°36′ west longitude; thence due north to the point of commencement;

"Community waters" means any waters which are under the sovereignty or jurisdiction of a member State;

"ICES" followed by a roman numeral with or without a letter shall be construed as a reference to whichever of the statistical sub-areas and divisions of the International Council for the Exploration of the Sea**(b)** described in Schedule 1 to this Order is identified therein by that roman numeral or that roman numeral and letter as the case may be;

(a) 1967 c.84; section 4 was amended by the Fishery Limits Act 1976 (c.86), section 3 and by the Fisheries Act 1981 (c.29), section 20; section 15(3) was amended by the Sea Fisheries Act 1968 (c.77), Schedule 1, paragraph 38(3) and by the Fishery Limits Act 1976, Schedule 2, paragraph 16(1); section 4 was applied in relation to British fishing boats registered in the Isle of Man and any of the Channel Islands by the Sea Fish (Conservation) (Manx Boats) Order 1978 (S.I. 1978/281) and the Sea Fish (Conservation) (Channel Islands Boats) Order 1978 (S.I. 1978/280); section 22(2)(a) which contains a definition of "the Ministers" for the purposes of sections 4 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

(b) Cmnd. 2586.

"length" in relation to a boat, means the length calculated in accordance with the rules specified in Article 2(1) of Council Regulation (EEC) No. 2930/86(a);

"mile" means an international nautical mile of 1,852 metres;

"NAFO sub-area 1" means the area of sea which is described in paragraph 2(a) of Annex III to the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries(b) and is commonly known as *West Greenland*;

"NAFO sub-area 2" means the area of sea which is described in paragraph 3(a) of Annex III to the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries;

"NAFO sub-area 3" means the area of sea which is described in paragraph 4(a) of Annex III to the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries;

"third country waters" means any waters which are not under the sovereignty or jurisdiction of a member State.

Prohibition of fishing without a licence and exceptions thereto

3.—(1) Subject to paragraph (2) of this article, fishing by British fishing boats in an area of sea specified in column 1 of Schedule 2 to this Order for a description of sea fish specified in relation to that area in column 2 of that Schedule is hereby prohibited unless authorised by a licence granted, in the case of fishing by British fishing boats registered in the Isle of Man for herring (*Clupea harengus*) in ICES VIIa (Irish Sea), by the Department of Agriculture, Fisheries and Forestry, the Isle of Man and, in any other case, by one of the Ministers.

(2) The prohibition in paragraph (1) above shall not apply to fishing–

(a) by handline for mackerel (*Scomber scombrus*);

(b) by any boat whose length is not more than 10 metres, except in the case of a boat fishing for herring–

(i) in ICES VIIa (*Irish Sea*);

(ii) in ICES VIIg (*South-east of Ireland*);

(iii) in ICES VIIh (*Little Sole Bank*);

(iv) in ICES VIIj (*Great Sole Bank*);

(v) in ICES VIIk (*West of Great Sole Bank*);

(vi) in the Thames and Blackwater coastal area, that is to say the area of sea adjacent to England which lies between a line drawn due east from Langduard Point, Felixstowe and a line drawn due east from North Foreland lighthouse and within 6 miles from the baselines from which the breadth of the territorial sea is measured(c); or

(vii) in the Firth of Clyde, that is to say the area of sea which lies landward of a line drawn from a point on the mainland of Scotland at 55°17′.9 north latitude and 5°47′.8 west longitude (Mull of Kintyre) to a point on the mainland of Scotland at 55°00′.5 north latitude and 5°09′.4 west longitude (Corsewall Point).

Retention on board of fish

4. Notwithstanding the provisions of section 4(9A)(b) of the Sea Fish (Conservation) Act 1967 (return to the sea of fish the fishing for which is prohibited), there may be retained on board any fishing boat to which this Order applies a quantity of sea fish consisting of one or more of the descriptions of sea fish specified in an entry in column 2 of Schedule 3 to this Order, the fishing for which is for the time being prohibited by or under this Order, and which–

(a) OJ No. L274, 25.9.86, p. 1.

(b) Annexed to Council Regulation (EEC) No. 3179/78 concerning the conclusion by the European Economic Community of the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries (OJ No. L378, 30.12.78, p. 1) as amended by article 1 of, and the Annex to, Council Regulation (EEC) No. 654/81 amending Regulation (EEC) No. 3179/78 (OJ No. L69, 14.3.81, p. 1).

(c) *See* the Territorial Waters Order in Council 1964 (1965 III, p. 6452A, amended by 1979 II, p. 2866).

(a) has been taken on board that fishing boat in a statistical division of ICES VII specified in column 1 of that Schedule opposite that entry, in the course of fishing in that statistical division of ICES VII for any description of sea fish the fishing for which is not for the time being prohibited by or under this Order or any other enactment; and

(b) does not exceed 10% by weight of the total catch of sea fish on board that fishing boat.

Enforcement

5. For the purposes 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)**.

Revocation

6. The orders mentioned in Schedule 4 to this Order are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th October 1989.

L.S.

John Gummer
Minister of Agriculture, Fisheries and Food

Sanderson of Bowen
25th October 1989 Minister of State, Scottish Office

Peter Walker
1st November 1989 Secretary of State for Wales

Peter Brooke
25th October 1989 Secretary of State for Northern Ireland

SCHEDULE 1

Article 2

STATISTICAL SUB-AREAS AND DIVISIONS OF THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA

ICES Statistical Sub-Area I (Barents Sea)

The waters bounded by a line from the geographic North Pole along the meridian of 30°00′ east longitude to 72°00′ north latitude; thence due west to 26°00′ east longitude; thence due south to the coast of Norway; thence in an easterly direction along the coasts of Norway and the Union of Soviet Socialist Republics to Khaborova; thence across the western entry of the Strait of Yugorskiy Shar; thence in a westerly and northerly direction along the coast of Vaygach Island; thence across the western entry of the Strait of the Karskiye Vorota, thence west and north along the coast of the south island of Novaya Zemlya; thence across the western entry of the Strait of Matochkin Shar; thence along the west coast of the north island of Novaya Zemlya to a point in 68°30′ east longitude; thence due north to the geographic North Pole.

ICES Statistical Division IIa (Norwegian Sea)

The waters bounded by a line beginning at a point on the coast of Norway in 62°00′ north latitude; thence due west to 4°00′ west longitude; thence due north to 63°00′ north latitude; thence

---

(a) 1968 c.77; section 8(3) and (4) was amended by the Fisheries Act 1981, section 26(2) and (3).

due west to 11°00′ west longitude; thence due north to 73°30′ north latitude; thence due east to 30°00′ east longitude; thence due south to 72°00′ north latitude; thence due west to 26°00′ east longitude; thence due south to the coast of Norway; thence in a westerly and south-westerly direction along the coast of Norway to the point of beginning.

ICES Statistical Division IIb (Spitzbergen and Bear Island)

The waters bounded by a line drawn from the geographic North Pole along the meridian of 30°00′ east longitude to 73°30′ north latitude; then due west to 11°00′ west longitude; thence due north to the geographic North Pole.

ICES Statistical Division IIIa (Skagerak and Kattegat)

The waters bounded by a line beginning at a point on the coast of Norway in 7°00′ east longitude; thence due south to 57°30′ north latitude; thence due east to 8°00′ east longitude; thence due south to 57°00′ north latitude; thence due east to the coast of Denmark; thence along the north-west and east coasts of Jutland to Hals; thence across the eastern entrance of the Limfjord to Egensekloster Point; thence in a southerly direction along the coast of Jutland to Haseore Head; thence across the Great Belt to Gniben Point; thence along the north coast of Zealand to Gilbierg Head; thence across the northern approaches of the Oresund to the Kullen, on the coast of Sweden; thence in an easterly and northerly direction along the west coast of Sweden and the south coast of Norway to the point of beginning.

ICES Statistical Division IIIb, c (Sound and Belt Sea or Transition Area)

The waters bounded by a line drawn from Hasenore Head on the east coast of Jutland to Gniben Point on the west coast of Zealand; thence along the north coast of Zealand to Gilbierg Head; thence across the northern approaches of the Oresund to the Kullen, on the coast of Sweden; thence in a southerly direction along the coast of Sweden to Falsterbo Light; thence across the southern entrance of the Oresund to Stevns Light; thence along the south-east coast of Zealand; thence across the eastern entrance of the Storstrom Sound; thence along the east coast of the island of Falster to Gedser; thence to Darsser-Ort on the coast of the German Democratic Republic; thence in a south-westerly direction along the coasts of the German Democratic Republic, the Federal Republic of Germany and the east coast of Jutland to the point of beginning.

ICES Statistical Division IIId (Baltic Sea)

The waters of the Baltic Sea and its dependent gulfs, bights and firths, bounded to the west by a line drawn from Falsterbo Light on the south-west coast of Sweden, across the southern entrance of the Oresund to Stevns Light; thence along the south-east coast of Zealand; thence across the eastern entrance of the Storstrom Sound; thence along the east coast of the island of Falster to Gedser; thence to Darsser-Ort on the coast of the German Democratic Republic.

ICES Statistical Sub-Area IV (North Sea)

The waters bounded by a line beginning at a point on the coast of Norway in 62°00′ north latitude; thence due west to 4°00′ west longitude; thence due south to the coast of Scotland; thence in an easterly and southerly direction along the coasts of Scotland and England to a point in 51°00′ north latitude; thence due east to the coast of France; thence in a north-easterly direction along the coasts of France, Belgium, the Netherlands and the Federal Republic of Germany to the western terminus of its boundary with Denmark; thence along the west coast of Jutland to Thyboron; thence in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; thence across the eastern entrance of the Limfjord to Hals; thence in a westerly direction along the north coast of Limfjord to the southernmost point of Agger Tange; thence in a northerly direction along the west coast of Jutland to a point in 57°00′ north latitude; thence due west to 8°00′ east longitude; thence due north to 57°30′ north latitude; thence due west to 7°00′ east longitude; thence due north to the coast of Norway; thence in a north-westerly direction along the coast of Norway to the point of beginning.

ICES Stastistical Division Va (Iceland Grounds)

The waters bounded by a line beginning at a point in 68°00′ north latitude, 11°00′ west longitude; thence due west to 27°00′ west longitude; thence due south to 62°00′ north latitude; thence due east to 15°00′ west longitude; thence due north to 63°00′ north latitude; thence due east to 11°00′ west longitude; thence due north to the point of beginning.

ICES Statistical Division Vb (Faroes Grounds)

The waters bounded by a line beginning at a point in 63°00′ north latitude, 4°00′ west longitude; thence due west to 15°00′ west longitude; thence due south to 60°00′ north latitude; thence due east

to 5°00′ west longitude; thence due north to 60°30′ north latitude; thence due east to 4°00′ west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area VI (Rockall and West of Scotland)

The waters bounded by a line beginning at a point on the north coast of Scotland in 4°00′ west longitude; thence due north to 60°30′ north latitude; thence due west to 5°00′ west longitude; thence due south to 60°00′ north latitude; thence due west to 18°00′ west longitude; thence due south to 54°30′ north latitude; thence due east to the coast of the Republic of Ireland; thence in a northerly and easterly direction along the coasts of the Republic of Ireland and of Northern Ireland to a point on the east coast of Northern Ireland in 55°00′ north latitude; thence due east to the coast of Scotland; thence in a northerly direction along the west coast of Scotland to the point of beginning.

ICES Statistical Sub-Area VII (Irish Sea, West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel)

The waters bounded by a line beginning at a point on the west coast of the Republic of Ireland in 54°30′ north latitude; thence due west to 18°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to a point in 51°00′ north latitude; thence due west to the south-east coast of England; thence in a westerly and northerly direction along the coasts of England, Wales and Scotland to a point on the West coast of Scotland in 55°00′ north latitude; thence due west to the coast of Northern Ireland; thence in a northerly and westerly direction along the coasts of Northern Ireland and the Republic of Ireland to the point of beginning.

ICES Statistical Division VIIa (Irish Sea)

The waters bounded by a line beginning at a point on the west coast of Scotland in 55°00′ north latitude; thence due west to the coast of Northern Ireland; thence in a southerly direction along the coasts of Northern Ireland and Ireland to a point on the south-east coast of the Republic of Ireland in 52°00′ north latitude; thence due east to the coast of Wales; thence in a north-easterly and northerly direction along the coasts of Wales, England and Scotland to the point of beginning.

ICES Statistical Division VIIb, c (West of Ireland and Porcupine Bank)

The waters bounded by a line beginning at a point on the west coast of Ireland in 54°30′ north latitude; thence due west to 18°00′ west longitude; thence due south to 52°30′ north latitude; thence due east to the coast of Ireland; thence in a northerly direction along the west coast of Ireland to the point of beginning.

ICES Statistical Division VIId (Eastern English Channel)

The waters bounded by a line beginning at a point on the west coast of France in 51°00′ north latitude; thence due west to the coast of England; thence in a westerly direction along the south coast of England to 2°00′ west longitude; thence south to the coast of France at Cape de la Hague; thence in a north-easterly direction along the coast of France to the point of beginning.

ICES Statistical Division VIIe (Western English Channel)

The waters bounded by a line beginning on the south coast of England in 2°00′ west longitude; thence in a southerly and westerly direction along the coast of England to a point on the south-west coast in 50°00′ north latitude; thence due west to 7°00′ west longitude; thence due south to 49°30′ north latitude; thence due east to 5°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to Cape de la Hague; thence due north to the point of beginning.

ICES Statistical Division VIIf (Bristol Channel)

The waters bounded by a line beginning at a point on the south coast of Wales in 5°00′ west longitude; thence due south to 51°00′ north latitude; thence due west to 6°00′ west longitude; thence due south to 50°30′ north latitude; thence due west to 7°00′ west longitude; thence due south to 50°00′ north latitude; thence due east to the coast of England; thence along the south-west coast of England and the south coast of Wales to the point of beginning.

ICES Statistical Division VIIg (South-east of Ireland)

The waters bounded by a line beginning at a point in 9°00′ west longitude on the south coast of Ireland; thence due south to 50°00′ north latitude; thence due east to 7°00′ west longitude; thence due north to 50°30′ north latitude; thence due east to 6°00′ west longitude; thence due north to

51°00′ north latitude; then due east to 5°00′ west longitude; thence due north to the south coast of Wales; thence in a north-westerly direction along the coast of Wales to a point in 52°00′ north latitude; thence due west to the south-east coast of the Republic of Ireland; thence in a south-westerly direction abong the coast of the Republic of Ireland to the point of beginning.

ICES Statistical Division VIIh (Little Sole Bank)

The waters bounded by a line beginning at a point in 50°00′ north latitude 7°00′ west longitude; thence due west to 9°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to 5°00′ west longitude; thence due north to 49°30′ north latitude; thence due west to 7°00′ west longitude; thence due north to the point of beginning.

ICES Statistical Division VIIj (Great Sole Bank)

The waters bounded by a line beginning at a point in 52°30′ north latitude on the west coast of the Republic of Ireland; thence due west to 12°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to 9°00′ west longitude; thence due north to the south coast of the Republic of Ireland; thence in a westerly and northerly direction along the coast of the Republic of Ireland to the point of beginning.

ICES Statistical Division VIIk (West of Great Sole Bank)

The waters bounded by a line beginning at a point in 52°30′ north latitude, 12°00′ west longitude; thence due west to 18°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to 12°00′ west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area VIII (Bay of Biscay)

The waters bounded by a line beginning at a point on the coast of France in 48°00′ north latitude; thence due west to 18°00′ west longitude; thence due south to 43°00′ north latitude; thence due east to the coast of Spain; thence in a northerly direction along the coasts of Spain and France to the point of beginning.

ICES Statistical Sub-Area IX (Portuguese Waters)

The waters bounded by a line beginning at a point on the coast of Spain in 43°00′ north latitude; thence due west to 18°00′ west longitude; thence due south to 36°00′ north latitude; thence due east to a point on the coast of Spain (Punta Marroqui isthmus) in 5°36′ west longitude; thence in a north-westerly direction along the south-west coast of Spain, the coast of Portugal, and the north-west coast of Spain to the point of beginning.

ICES Statistical Sub-Area X (Azores Grounds)

The waters bounded by a line beginning at a point in 48°00′ north latitude, 18°00′ west longitude; thence due west to 42°00′ west longitude; thence due south to 36°00′ north latitude; thence due east to 18°00′ west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area XII (North of Azores)

The waters bounded by a line beginning at a point in 62°00′ north latitude, 15°00′ west longitude; thence due west to 27°00′ west longitude; thence due south to 59°00′ north latitude; thence due west to 42°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to 18°00′ west longitude; thence due north to 60°00′ north latitude; thence due east to 15°00′ west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area XIV (East Greenland)

The waters bounded by a line from the geographic North Pole along the meridian of 40°00′ west longitude to the north coast of Greenland; thence in an easterly and southerly direction along the coast of Greenland to a point in 44°00′ west longitude; thence due south to 59°00′ north latitude; thence due east to 27°00′ west longitude; thence due north to 68°00′ north latitude; thence due east to 11°00′ west longitude; thence due north to the geographic North Pole.

SCHEDULE 2

Article 3

AREAS OF SEA AND DESCRIPTIONS OF SEA FISH IN RESPECT OF WHICH PROHIBITION OF FISHING WITHOUT LICENCE APPLIES

Column 1 *[Area of Sea]*	Column 2 *[Description of sea fish]*
CECAF Division 34.1.1 (EC Zone)	Cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), saithe (*Pollachius virens*)
ICES I	All
ICES IIa excluding third country waters	Cod, haddock, hake (*Merluccius* spp), herring (*Clupea harengus*), mackerel (*Scomber scombrus*), plaice (*Pleuronectes platessa*), saithe, sole (*Solea solea*), whiting (*Merlangius merlangus*)
ICES IIa excluding Community waters	All
ICES IIb	All
ICES IIIa	Mackerel, saithe
ICES IIIb, c excluding third country waters	Mackerel, saithe
ICES IIId excluding third country waters	Mackerel, saithe
ICES IV	Cod, haddock, hake, herring, mackerel, plaice, saithe, sole, whiting
ICES Va	All
ICES Vb excluding third country waters	Cod, Greenland halibut (*Reinhardtius hippoglossoides*), haddock, hake, herring, mackerel, megrim (*Lepidorhombus whiffiagonis*), anglerfish (*Lophius* spp), plaice, redfish (*Sebastes* spp), saithe, sole, whiting, Norway lobster (*Nephrops norvegicus*), pollack (*Pollachius pollachius*)
ICES Vb excluding Community waters	All
ICES VI	Cod, haddock, hake, herring, mackerel, megrim, anglerfish, plaice, saithe, sole, whiting, Norway lobster, pollack
ICES VIIa* (see note below)	Cod, haddock, hake, herring, mackerel, megrim, anglerfish, plaice, saithe, sole, whiting, Norway lobster, pollack
ICES VIIb, c	Cod, haddock, hake, mackerel, megrim, anglerfish, plaice, saithe, sole, whiting, Norway lobster, pollack
ICES VIId	Cod, haddock, hake, mackerel, megrim, anglerfish, plaice, saithe, sole, sprat, (*Sprattus sprattus*), whiting, Norway lobster, pollack
ICES VIIe* (see note below)	Cod, haddock, hake, herring, mackerel, megrim, anglerfish, plaice, saithe, sole, sprat, whiting, Norway lobster, pollack
ICES VIIf to k	Cod, haddock, hake, herring, mackerel, megrim, anglerfish, plaice, saithe, sole, whiting, Norway lobster, pollack
ICES VIII excluding third country waters	Cod, haddock, mackerel, megrim, anglerfish, saithe
ICES IX	Cod, haddock, saithe
ICES X	Cod, haddock, saithe
ICES XII	All
ICES XIV	All
NAFO sub-area 1	All
NAFO sub-area 2	All
NAFO sub-area 3	All

Note: Where an entry in column 1 of this Schedule is marked with an asterisk the following waters are excluded from the area of sea referred to in that entry:–

Waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man and the Channel Islands respectively is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines adjacent to the United Kingdom and France respectively.

SCHEDULE 3

Article 4

AREAS OF SEA AND DESCRIPTIONS OF SEA FISH CAUGHT THEREIN TO WHICH RETENTION ON BOARD PROVISIONS APPLY

Column 1 *[Area of Sea]*	Column 2 *[Description of sea fish]*
ICES VIIa* (see note below)	Cod, plaice, whiting
ICES VIIb, c	Whiting
ICES VIId	Plaice, sole, whiting
ICES VIIe* (see note below)	Plaice, sole, whiting
ICES VIIf to k	Plaice, sole, whiting

Note: Where an entry in column 1 of this Schedule is marked with an asterisk the following waters are excluded from the area of sea referred to in that entry:–

Waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man and the Channel Islands respectively is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines adjacent to the United Kingdom and France respectively.

SCHEDULE 4

Article 6

ORDERS WHICH ARE REVOKED BY THIS ORDER

Column 1 *[Orders revoked]*	Column 2 *[References]*
The Sea Fish Licensing Order 1983	S.I. 1983/1206
The Sea Fish Licensing (Variation) Order 1983	S.I. 1983/1881
The Sea Fish Licensing (Variation) Order 1986	S.I. 1986/1438
The Sea Fish Licensing (Variation) Order 1987	S.I. 1987/1565

EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates with an amendment, and replaces, the Sea Fish Licensing Order 1983, as amended, "the 1983 Order" which prohibited fishing, subject to exceptions, by British fishing boats (including boats registered in the Isle of Man and the Channel Islands) in specified areas of sea for the principal species of sea fish, unless authorised by a licence. That prohibition on fishing did not apply to fishing by any boat whose length was not more than 10 metres, except in the case of a boat fishing for herring in specified areas. This Order amends the definition of "length" to that calculated in accordance with the rules specified in Article 2(1) of Council Regulation (EEC) No. 2930/86 (OJ No. L274, 25.9.86, p. 1 (article 2).

The prohibition on fishing extends to British fishing boats as aforesaid fishing in an area of sea specified in column 1 of Schedule 2 to the Order for a description of sea fish specified in relation to that area in column 2 of that Schedule unless authorised by a licence granted–

(a) in the case of fishing by Isle of Man registered boats for herring in ICES VIIa

(Irish Sea), by the Department of Agriculture, Fisheries and Forestry, the Isle of Man;

(b) in any other case, by one of the Ministers (article 3(1)).

There is excepted from this prohibition fishing–

(a) by boats whose length is not more than 10 metres, except in the case of a boat fishing for herring in specified areas;

(b) for mackerel by handline (article 3(2)).

The Order permits the retention on board a fishing boat of a quantity of one or more of the descriptions of sea fish specified in Schedule 3 thereto not exceeding 10% by weight of the total catch of sea fish on board the boat, the fishing for which is for the time being prohibited, caught in a specified statistical division of ICES VII as a by-catch in the course of lawful fishing for another description of sea fish. In consequence fish of descriptions not so specified, the fishing for which is for the time being prohibited under article 3 of the Order, must in all circumstances be returned to the sea forthwith in accordance with the provisions of section 4(9A) of the Sea Fish (Conservation Act) 1967 (c.84) (inserted by section 20(4) of the Fisheries Act 1981 (c.29), (article 4).

The Order confers on British sea-fishery officers the powers of a British sea-fishery officer specified in section 8(2) to (4) of the Sea Fisheries Act 1968 (c.77) for the purposes of the enforcement of the Order (article 5).

The Order revokes the 1983 Order together with the Orders which amended it (article 6).