STATUTORY INSTRUMENTS

1971 No. 1747

SEA FISHERIES

The Sea Fisheries (Isle of Man) Order 1971

Made - - -	*27th October* 1971
Coming into Operation	*15th November* 1971

At the Court at Buckingham Palace, the 27th day of October 1971

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 21(1)(*a*) of the Sea Fisheries Act 1968(**a**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Sea Fisheries (Isle of Man) Order 1971 and shall come into operation on 15th November 1971.

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

2. The provisions of sections 5 to 14, 17, 19, 22 and 23 of the Sea Fisheries Act 1968, and Part II of Schedule 1 and Part II of Schedule 2 to that Act, shall extend to the Isle of Man subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

W. G. Agnew.

(a) 1968 c. 77.

(b) 1889 c. 63.

SCHEDULE

Exceptions, Adaptations and Modifications in the Extension of Certain Provisions of the Sea Fisheries Act 1968 to the Isle of Man

1. In section 6(4) after the word "Ministers" there shall be inserted the words "whether before or after the coming into operation of the Sea Fisheries (Isle of Man) Order 1971".

2. In section 6(5) the words from "and (*c*)" to the end of the subsection shall be omitted.

3. In section 7(4) after the word "Ministers" there shall be inserted the words "whether before or after the coming into operation of the Sea Fisheries (Isle of Man) Order 1971".

4. At the end of section 7(5) there shall be added the following paragraph:—

"(*d*) and, in relation to the Isle of Man, the Isle of Man Board of Agriculture and Fisheries.".

5. For section 12 there shall be substituted the following section:—

"12. Where a fine is imposed by a court of summary jurisdiction in the Isle of Man on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the court of an offence under section 5, 6 or 10 of this Act, the court may—

(*a*) order that payment of the fine shall be enforced by the coroner against the boat and its gear and catch and any property of the person convicted in the same way as if the order imposing the fine had been an execution granted against such person by a Judge of the Common Law Division of the High Court of Justice of the Isle of Man, and such order shall have the same force and effect as such execution has; and

(*b*) if the boat is a foreign fishing boat, order it to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any order under paragraph (*a*) above, whichever occurs first.".

6. In section 13(1) the words "in England and Wales or Northern Ireland" shall be omitted.

7. Section 13(2) shall be omitted.

8. In section 13(3) for the words "by a magistrates' court or sheriff" there shall be substituted the words "a court of summary jurisdiction".

9. In section 14 after the words "United Kingdom" there shall be added the words "or in the Isle of Man".

10. For section 17 there shall be substituted the following section:—

"17. Fishing boats or fishing gear lost or abandoned at sea and either—

(*a*) found or taken possession of within the territorial waters of the Isle of Man; or

(*b*) found or taken possession of beyond these waters and brought within those waters;

shall be treated as wreck for the purposes of the Shipping Casualties Act 1894 (an Act of Tynwald).".

11. In section 19(1), in the definition of "British fishing boat" after the words "United Kingdom" there shall be inserted the words ", in the Isle of Man or any of the Channel Islands" and for the definition of "enactment" there shall be substituted the following definition:—

" "enactment" includes an Act of Tynwald;".

12. Section 19(2) shall be omitted.

13. Section 23(2) and (3) shall be omitted.

14. In Part II of Schedule 2 the entries relating to the following enactments shall be omitted, namely the Sea Fisheries (Scotland) Amendment Act 1885(a) and the Illegal Trawling (Scotland) Act 1934 (b).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the provisions of the Sea Fisheries Act 1968, which regulate sea fishing operations, and certain ancillary provisions, to the Isle of Man with the exceptions, adaptations and modifications set out in the Schedule to the Order.

(a) 1885 c. 70. (b) 1934 c. 18.