STATUTORY INSTRUMENTS

1961 No. 542

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Sea-Fishing Industry (Fishing Nets) Order, 1961

Made - - - -	*22nd March*, 1961
Laid before Parliament	*28th March*, 1961
Coming into Operation	*1st April*, 1961

The Minister of Agriculture, Fisheries and Food, and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively), in exercise of the powers conferred upon them by sections 3 and 8 of the Sea-Fishing Industry Act, 1933(a), as amended by section 38 of the Sea Fish Industry Act, 1938(b), section 1 of the White Fish and Herring Industries Act, 1948(c) and section 5 of the Sea Fish Industry Act, 1959(d) and of all other powers enabling them in that behalf, hereby make the following Order :—

1. This Order may be cited as the Sea-Fishing Industry (Fishing Nets) Order, 1961, and shall come into operation on the 1st day of April, 1961.

2.—(1) In this Order, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"British Sea-Fishery Officer" means any person who is for the time being a British Sea-Fishery Officer by virtue of subsection (2) of section 11 of the Sea Fisheries Act, 1883(e), as amended or extended by or under any subsequent enactment;

"fishing boat" means a vessel of whatever size and in whatever way propelled which is for the time being employed in sea-fishing or in the sea-fishing service;

"net" means any net which is towed or hauled;

"specified size" has the appropriate meaning assigned to it by paragraph (2) of Article 4 or paragraph (2) of Article 5 hereof, as the case may require.

(2) The Interpretation Act, 1889(f) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The Sea-Fishing Industry (Fishing Nets) Order, 1956(g), the Sea-Fishing Industry (Fishing Nets) (Amendment) Order, 1956(h), the Sea-Fishing Industry (Fishing Nets) (Amendment) Order, 1958(i) and the Sea-Fishing Industry (Fishing Nets) (Variation) Order, 1959(j) are hereby revoked.

4.—(1) Subject to the provisions of this Order, no British fishing boat registered in the United Kingdom shall carry on board for the purpose of

(a) 23 & 24 Geo. 5. c. 45. (b) 1 & 2 Geo. 6. c. 30. (c) 11 & 12 Geo. 6. c. 51.
(d) 8 Eliz. 2. c. 7. (e) 46 & 47 Vict. c. 22. (f) 52 & 53 Vict. c. 63.
(g) S.I. 1956/531 (1956 II, p. 2205). (h) S.I. 1956/1202 (1956 II, p. 2208).
(i) S.I. 1958/279 (1958 II, p. 2129). (j) S.I. 1959/1333 (1959 II, p. 2473).

catching sea-fish in any waters situated north of the parallel of 48 degrees north latitude and east of the meridian of 42 degrees west longitude, any net unless it has in all its parts a mesh of such dimension that when the mesh is stretched diagonally lengthwise of the net a flat gauge of the specified size shall pass through it easily whether the net is wet or dry. Provided that the provisions of this Article shall not apply to any waters—

(*a*) which are situated in the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head (Denmark) to Gniben Point (Denmark), from Korshage (Denmark) to Spodsbierg (Denmark), and from Gilbierg Head (Denmark) to the Kullen (Sweden); or

(*b*) to which the provisions of the next following Article of this Order apply.

(2) For the purposes of the foregoing paragraph "specified size" means—

(*a*) in relation to a seine net, seventy millimetres broad and two millimetres thick;

(*b*) in relation to any net (other than a seine net) made of single twine containing no manila or sisal in any part—

(i) during the period from the coming into operation of this Order up to and including the 4th day of April, 1963, seventy millimetres broad and two millimetres thick, and

(ii) on and after the 5th day of April, 1963, seventy-five millimetres broad and two millimetres thick: and

(*c*) in relation to any other net—

(i) during the period from the coming into operation of this Order up to and including the 4th day of April, 1963, seventy-five millimetres broad and two millimetres thick, and

(ii) on and after the 5th day of April, 1963, eighty millimetres broad and two millimetres thick.

5.—(1) Subject to the provisions of this Order, no British fishing boat registered in the United Kingdom shall carry on board for the purpose of catching sea-fish in any waters situated north of the parallel of 66 degrees north latitude and east of the meridian of Greenwich, or in waters between the parallels of 68 degrees and 62 degrees north latitude and between the meridians of 28 degrees and 10 degrees west longitude, any net unless it has in all its parts a mesh of such dimension that when the mesh is stretched diagonally lengthwise of the net a flat gauge of the specified size shall pass through it easily whether the net is wet or dry.

(2) For the purposes of the preceding paragraph of this Article "specified size" means (1) in relation to any net other than a seine net, one hundred and ten millimetres broad and two millimetres thick; and (2) in relation to a seine net, one hundred millimetres broad and two millimetres thick.

6.—(1) Subject to the provisions of the next succeeding Article hereof no person shall use any net in such manner as to obstruct or in effect to diminish the mesh in any part of the net, or cover the net with canvas or any other material, or use any other artifice for the purpose of evading the restrictions imposed by this Order.

Provided that nothing in this Article shall be deemed to prohibit any person from attaching to the underside of a cod-end of a net any canvas, netting or other material, for the purpose of preventing or reducing wear and tear.

(2) During the period from the coming into operation of this Order up to and including the 4th day of April, 1962, nothing in this Article shall be deemed to prohibit any person from attaching a piece of netting rectangular in shape to the upperside of a cod-end of a net other than a seine net if the meshes of both the net and of the piece of netting are, in all their parts, of such dimensions that when any such mesh is stretched diagonally lengthwise a flat gauge 110 millimetres broad and 2 millimetres thick will pass through it easily, whether the net is wet or dry, and if the piece of netting also conforms to the conditions specified in the following paragraphs of this Article.

(3) The piece of netting shall in width be at least one-and-a-half times the width of the part of the cod-end which is covered by it, such widths to be measured at right angles to the long axis of the cod-end.

(4) The piece of netting shall not be fastened to the cod-end except along the forward and lateral edges of the netting, and shall be fastened in such a manner that:—

(*a*) if there is a splitting strop, the piece of netting commences not more than four meshes forward of the splitting strop, and ends not less than four meshes in front of the cod-line mesh ; or,

(*b*) if there is no splitting strop, the piece of netting extends forward from a point not less than four meshes in front of the code-line mesh for not more than one-third of the length of the cod-end.

7. In any proceedings in respect of a contravention of the provisions of this Order regulating the dimensions of the mesh in any net, it shall be a defence to prove that the net to which the proceedings relate was carried on board solely for the purpose of fishing for mackerel, clupeoid fishes, sand eels (Ammodytes), Norway Pout (Gadus esmarkii), smelts, eels, great weevers (Trachinus draco), shrimps, prawns, Nephrops, or molluscs.

8. For the purpose of enforcing the provisions of this Order a British Sea-Fishery Officer may, with respect to any British fishing boat registered in the United Kingdom, exercise the following powers :—

(1) He may go on board the boat ;
(2) He may examine all fishing implements belonging to the boat ;
(3) He may make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Order has been committed.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-first day of March, nineteen hundred and sixty-one.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this twenty-second day of March, nineteen hundred and sixty-one.

(L.S.) *John S. Maclay,*
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department this twenty-second day of March, nineteen hundred and sixty-one.

R. A. Butler,
Secretary of State for the Home Department.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

By the Sea-Fishing Industry (Fishing Nets) Order, 1956 as amended, British fishing boats might not carry in certain waters nets with a mesh less than prescribed sizes. That Order also required trawl nets to be of a larger mesh on and after 5th April, 1961. This Order re-enacts the earlier orders except that it substitutes for that date the 5th April, 1963, and extends until 4th April, 1962 the period during which a cod-end chafer may legally be attached to the upperside of the cod-end of a net other than a seine net. Nets carried for fishing for Norway Pout (Gadus esmarkii) are now included amongst nets exempted from the provisions of the Order.