STATUTORY INSTRUMENTS

1963 No. 235

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Sea-Fishing Industry (Fishing Nets) Order 1963

Made - - - -	*6th February* 1963
Laid before Parliament	*14th February* 1963
Coming into Operation	*1st March* 1963

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: —

Citation and Commencement

1. This Order may be cited as the Sea-Fishing Industry (Fishing Nets) Order 1963, and shall come into operation on the 1st March 1963.

Interpretation

2.—(1) In this Order

" British Sea-Fishery Officer " means any person who is for the time being a British Sea-Fishery Officer by virtue of sub-section (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;

" the Irish Sea " means the area bounded on the north by the parallel of 54 degrees 38 minutes north latitude, on the east by the western coasts of England and Wales, on the south by the parallel of 51 degrees north latitude and on the west by the meridian of 7 degrees west longitude and the eastern coasts of the Republic of Ireland and Northern Ireland;

" net " means any net constructed to take fish whilst being towed or hauled.

(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, and as if this Order and the Order hereby revoked were Acts of Parliament.

Revocation of Previous Order

3. The Sea-Fishing Industry (Fishing Nets) Order 1962(g), is hereby revoked.

(a) 23 & 24 Geo. 5. c. 45. (b) 1 & 2 Geo. 6. c. 30. (c) 11 & 12 Geo. 6. c. 51.
(d) 8 & 9 Eliz. 2. c. 7. (e) 46 & 47 Vict. c. 22. (f) 52 & 53 Vict. c. 63.
(g) S.I. 1962/620 (1962 I, p. 593).

Sizes of Mesh of Nets

4.—(1) Except as hereinafter provided, there shall not be carried in any British fishing boat registered in the United Kingdom, for the purpose of fishing for 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 meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge of the relevant size will pass easily through it whether the net is wet or dry.

(2) This Article shall not apply to a net carried as aforesaid in any waters

(*a*) 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 Kullen, Sweden; or

(*b*) situated between the parallels of 68 degrees and 62 degrees north latitude and between the meridians of 28 degrees and 10 degrees west longitude; or

(*c*) situated north of the parallel of 66 degrees north latitude and east of the meridian of Greenwich.

(3) In this Article "relevant size" means

(*a*) in relation to a seine net, 70 millimetres broad and 2 millimetres thick;

(*b*) in relation to a net (not being a seine net) made of single twine and containing no manila or sisal in any part

(i) during the period from the day when this Order comes into operation to the 1st June 1964 (both days inclusive), 70 millimetres broad and 2 millimetres thick, and

(ii) on and after the 2nd June 1964, 75 millimetres broad and 2 millimetres thick;

(*c*) in relation to any other net;

(i) during the period from the day when this Order comes into operation to the 1st June 1964 (both days inclusive), 75 millimetres broad and 2 millimetres thick, and

(ii) on and after the 2nd June 1964, 80 millimetres broad and 2 millimetres thick.

5.—(1) There shall not be carried in any British fishing boat registered in the United Kingdom, for the purpose of fishing for sea-fish in any waters situated 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 meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge of the relevant size will pass easily through it whether the net is wet or dry.

(2) In this Article "relevant size" means

(*a*) in relation to a seine net and in relation to a trawl net the cod-end of which is made of cotton, hemp, polyamide fibres or polyester fibres and contains no manila or sisal, 100 millimetres broad and 2 millimetres thick; and

(*b*) in relation to any other net, 110 millimetres broad and 2 millimetres thick.

6.—(1) There shall not be carried in any British fishing boat registered in the United Kingdom, for the purpose of fishing for sea-fish in any waters situated north of the parallel of 66 degrees north latitude and east of the meridian of Greenwich, any net unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge of the relevant size will pass easily through it whether the net is wet or dry.

(2) In this Article "relevant size" means

(*a*) in relation to a seine net, 100 millimetres broad and 2 millimetres thick;

(*b*) in relation to a trawl net the cod-end of which is made of cotton, hemp, polyamide fibres or polyester fibres and contains no manila or sisal, 110 millimetres broad and 2 millimetres thick; and

(*c*) in relation to any other net, 120 millimetres broad and 2 millimetres thick.

Obstruction of Meshes of Nets

7.—(1) Except as hereinafter provided in this Article, no person shall use any net in such a manner as to obstruct or in effect to diminish the mesh in any part of the net, and no person shall cover the net or any part thereof with canvas or any other material, or use any other artifice, for the purpose of evading the restrictions imposed by this Order.

(2) Nothing in this Article shall be deemed to prohibit the attachment to the underside of the cod-end of a net of any canvas, netting or other material for the purpose of preventing or reducing wear and tear.

(3) During the period from the day when this Order comes into operation to the 31st May 1963 (both days inclusive) nothing in this Article shall be deemed to prohibit the attachment of a piece of netting rectangular in shape to the upperside of the cod-end of a net (not being a seine net) carried for the purpose of fishing for sea-fish in any waters situated north of the parallel of 66 degrees north latitude and east of the meridian of Greenwich or situated between the parallels of 68 degrees and 62 degrees north latitude and between the meridians of 28 degrees and 10 degrees west longitude so long as the piece of netting has in all its parts meshes the dimensions of which, whether the piece of netting is wet or dry, are not less than those of the net to which it is attached: Provided that

(*a*) 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 being measured at right angles to the long axis of the cod-end, and

(*b*) the piece of netting shall not be fastened to the cod-end except along the forward and lateral edges of the piece of netting and shall be so fastened that

(i) if there is a splitting strop, the piece of netting begins at a distance of not more than four of the meshes of the net to which it is attached forward of the splitting strop and ends at a distance of not less than four of such meshes forward of the cod-line mesh, or

(ii) if there is no splitting strop, the piece of netting extends for not more than one-third of the length of the cod-end and ends at a distance of not less than four of the meshes of the net to which it is attached forward of the cod-line mesh.

Exceptions

8. In any proceedings in respect of a contravention of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate was being carried solely for the purpose of fishing for Nephrops norvegicus (commonly known as Norway lobster or Dublin Bay prawn) in the Irish Sea, where none of the sea-fish taken in the course of the voyage, on which the net to which the proceedings relate was carried, was landed at a place other than one bordering upon the Irish Sea.

9.—(1) In any proceedings in respect of a contravention of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate :—

(*a*) was being carried during the period from the day when this Order comes into force to the 31st May 1963 (both days inclusive) solely for the purpose of fishing for mackerel, clupeoid fish, sand-eels (Ammodytes), Norway pout (Gadus esmarkii), smelts, eels, great weevers, (Trachinus draco), shrimps, prawns, or molluscs (other than squids) ; or

(*b*) was being carried on or after the 1st June 1963 solely for the purpose of fishing for sea-fish of the descriptions referred to in sub-paragraph (*a*) of this paragraph—

(i) in waters to which Articles 5 and 6 of this Order relate or in waters to the south and west of the following lines, that is to say, a line drawn due west from the Mull of Galloway along the parallel of 54 degrees 38 minutes north latitude to its intersection with the meridian of 42 degrees west longitude and a line drawn from France to England along the meridian of 2 degrees west longitude, or

(ii) in waters other than those referred to in sub-paragraph (*b*) (i) of this paragraph and that it had in its cod-end in all the parts thereof meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge of the relevant size would not pass easily through it whether the net was wet or dry.

(2) In this Article "relevant size" means 50 millimetres broad and 2 millimetres thick.

Powers of British Sea-Fishery Officers

10. 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,

(*a*) go on board the boat ;

(*b*) examine all fishing implements belonging to the boat ;

(*c*) 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 on the 4th February 1963.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on the 4th February 1963.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department on the 6th February 1963.

Henry Brooke,
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.)

This Order supersedes the Sea-Fishing Industry (Fishing Nets) Order 1962. It prescribes minimum sizes of mesh for the fishing nets carried by British fishing boats in areas specified in the Order. The obstruction of the meshes of such nets or their use in such a way as to diminish their effective mesh size is prohibited, exceptions being made for underside cod-end chafers and, for a limited period, for topside cod-end chafers.

The Order gives British Sea-Fishery Officers powers to enable them to enforce its provisions.

The principal changes are in the exceptions whereby nets used for fishing such species as herring and shrimps may have a mesh smaller than the minimum prescribed for other purposes.