STATUTORY INSTRUMENTS

1980 No. 1809

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Specified Sea Fish (Prohibition of Fishing Methods) Order 1980

Made - - - -	*27th November* 1980
Laid before Parliament	*28th November* 1980
Coming into Operation	*19th December* 1980

The Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 5(1) and (2), 15(3) and 20 of the Sea Fish (Conservation) Act 1967(a) and now vested in them (b) and of all their other enabling powers hereby make the following order:—

Citation and commencement

1. This order may be cited as the Specified Sea Fish (Prohibition of Fishing Methods) Order 1980 and shall come into operation on 19th December 1980.

Interpretation

2. In this order—

"beam trawl" means a net which is constructed to take fish whilst being towed along the sea-bed by a fishing boat, and which has its mouth extended by a beam, bar or other rigid device, and "beam" shall be construed accordingly;

"the Celtic Sea" has the meaning assigned to it by article 8(4) of the Council Regulation;

"the Council Regulation" means Council Regulation (EEC) No. 2527/80(c) laying down technical measures for the conservation of fishery resources;

"effective length of beam" in relation to a beam trawl means the distance between the inner edge of the shoe or skid attached to one end of the beam and the corresponding part of the shoe or skid attached to the other end thereof, the measurement being taken at the most forward part of each shoe or skid which comes into contact with the sea-bed when the trawl is towed;

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

(a) 1967 c. 84; section 15 was amended by the Sea Fisheries Act 1968 (c. 77), section 22(1) and paragraph 38 of Schedule 1, and sections 5(2) and 15 were amended by the Fishery Limits Act 1976 (c. 86), section 9(1) and paragraph 16(1) of Schedule 2.

(b) By article 2(3) of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(c) OJ No L258, 1.10.80, p. 1.

"sea fish" does not include salmon or migratory trout;

"trawl, Danish seine or similar net" has the same meaning as in the Council Regulation.

Revocation

3. The orders set out in the Schedule to this order are hereby revoked.

Prohibition of fishing methods

4. It is hereby prohibited to fish—

(*a*) by the method referred to in article 14(1) of the Council Regulation—

(i) in any waters adjacent to Great Britain and within British fishery limits for any description of sea fish specified in Annex V to the Council Regulation; and

(ii) in any waters comprised in the Celtic Sea which are adjacent to Great Britain and within British fishery limits for herring (*Clupea harengus*);

(*b*) for any description of sea fish specified in Annnex III to the Council Regulation in any waters adjacent to Great Britain and within British fishery limits which are in an area of sea specified in that Annex in relation to that description with a trawl, Danish seine or similar net which does not satisfy the appropriate requirements as to mesh size imposed by article 3(1) of and Annex I to the Council Regulation;

(*c*) in waters within 12 miles from the baselines from which the breadth of the territorial sea of Great Britain is measured—

(i) with a beam trawl whereof the effective length of beam exceeds 8 metres; or

(ii) with two or more beam trawls used from any fishing boat at any one time whereof the aggregate effective length of beam of the trawls so used simultaneously exceeds 8 metres

for any description of sea fish; and

(*d*) within the area of sea specified in article 15(1) of the Council Regulation during the period referred to in that article with a purse-seine net or with any trawl, Danish seine or similar net having a mesh size smaller than that specified in Annex I to the Council Regulation in relation to that area of sea for mackerel (*Scomber scombrus*).

Declaration

5. In accordance with section 5(3) of the Sea Fish (Conservation) Act 1967, it is hereby declared that this order is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in section 5(1) of that Act.

Enforcement

6. For the purpose 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**).

Duration

7. The provisions of this order shall cease to have effect on 20th December 1980.

(**a**) 1968 c. 77; section 8(4) was amended by the Fishery Limits Act 1976, sections 2(8) and 9(1) and paragraph 17(1) of Schedule 2.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st November 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

25th November 1980.

George Younger,
Secretary of State for Scotland.

27th November 1980.

Humphrey Atkins,
Secretary of State for Northern Ireland.

26th November 1980.

Nicholas Edwards,
Secretary of State for Wales.

SCHEDULE *Article 3*

REVOCATIONS

Column 1 Orders revoked	Column 2 References
The Herring (Celtic Sea) (Prohibition of Fishing Method) Order 1971.	S.I. 1971/1623.
The Beam Trawl Regulation Order 1972.	S.I. 1972/23.
The Norway Pout (Prohibition of Fishing) (No. 3) Order 1977.	S.I. 1977/1756.
The Norway Pout (Prohibition of Fishing) (No. 3) (Variation) Order 1978.	S.I. 1978/1379.
The South-Western Mackerel (Prohibition of Fishing Methods) Order 1980.	S.I. 1980/374.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order, which is made to implement the United Kingdom's obligation to provide for the enforcement of Council Regulation (EEC) No 2527/80 laying down technical measures for the conservation of fishery resources (OJ No L258, 1.10.80, p. 1) prohibits —

(1) the use of purse-seine nets when fishing, within that part of British fishery limits adjacent to Great Britain for any description of sea fish other than salmon or migratory trout listed in Annex V to that Regulation (which list includes the principal whitefish species) and, in the Celtic Sea, for herring;

(2) the use of small mesh nets when fishing in specified areas of British fishery limits for Norway pout and other descriptions of sea fish listed in Annex III to that Regulation;

(3) the use of beam trawls having a length or aggregate length of beam in excess of 8 metres in waters which are within 12 miles of the baselines from which the breadth of the territorial sea of Great Britain is measured; and

(4) the use of purse-seine and small mesh nets from 1st March to 15th November in each year when fishing for mackerel in that area of the south western approaches adjacent to the coast of Cornwall specified in article 15(1) of that Regulation.

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