STATUTORY INSTRUMENTS

1984 No. 1522

SEA FISHERIES

CONSERVATION OF SEA FISH

The Undersized Scallops (West Coast) Order 1984

Made - - - - -	21*st September* 1984
Laid before Parliament	25*th September* 1984
Coming into Operation	16*th October* 1984

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Wales, acting jointly, in exercise of the powers conferred on them by sections 1(1), (4) and (6) and 20(1) of the Sea Fish (Conservation) Act 1967 (**a**), and of all other powers enabling them in that behalf, and the said Minister, the said Secretaries of State and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, in exercise of the powers conferred on them by section 15(3) of the said Act and the said section 20(1), and of all other powers enabling them in that behalf, hereby make the following order:—

Title, commencement and interpretation

1.—(1) This order may be cited as the Undersized Scallops (West Coast) Order 1984 and shall come into operation on 16th October 1984.

(2) In this order "the Act" means the Sea Fish (Conservation) Act 1967.

(3) Any reference in this order to a numbered article shall be construed as a reference to the article so numbered in this order.

Prescribed minimum size

2. For the purpose of section 1(1) of the Act (which prohibits the landing of any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description), the size of 110mm across the broadest part of the flat shell is hereby prescribed for scallops of the species *Pecten maximus* in relation to the west coast of Great Britain between the southern border of Wales with England and the most westerly point at 55°00′ north latitude on the coast of Scotland.

Exemption

3. The landing from fishing boats other than British-owned fishing boats of scallops of the species *Pecten maximus* of a smaller size than the size prescribed in article 2 in the area specified in that article is exempted from the prohibition imposed by section 1(1) of the Act and that article.

(**a**) 1967 c.84; section 1 was substituted by section 19(1) of the Fisheries Act 1981 (c.29); section 15(3) was substituted by paragraph 38(3) of Schedule 1 to the Sea Fisheries Act 1968 (c.77) and amended by paragraph 16(1) of Schedule 2 to the Fishery Limits Act 1976 (c.86); the definition of "the Ministers" in section 22(2) was amended by sections 19(2) and 45 of the Fisheries Act 1981.

Enforcement

4.—(1) For the purpose of the enforcement of section 1(1) of the Act and article 2, the powers that may be exercised by any British sea-fishery officer by virtue of section 15(3) of the Act in relation to any fishing boat referred to in that subsection are the powers of a British sea-fishery officer under section 8(2) and (3) of the Sea Fisheries Act 1968 (**a**).

(2) For the purpose mentioned in paragraph (1) of this article, section 8(3) of the Sea Fisheries Act 1968 shall be construed as if section 1(1) of the Act were one of the provisions mentioned in section 8(1) of the Sea Fisheries Act 1968.

Revocation

5. The Immature Scallops (Wales) Order 1983 (**b**) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st September 1984.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

17th September 1984.

John Stradling Thomas,
Minister of State for Wales.

18th September 1984.

Douglas Hurd,
Secretary of State for Northern Ireland.

20th September 1984.

(**a**) 1968 c.77; section 8(3) was amended by section 26(2) of the Fisheries Act 1981.
(**b**) S.I. 1983/1384.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This order prescribes for scallops of the species *Pecten maximus* a minimum size below which the fish may not be landed in certain western parts of Great Britain. The minimum size prescribed is 110mm across the broadest part of the flat shell.

There is an exemption for scallops landed from fishing boats other than British-owned fishing boats.

For the purpose of enforcing the prohibition British sea-fishery officers are given the powers provided by section 8(2) and (3) of the Sea Fisheries Act 1968.

The order supersedes the Immature Scallops (Wales) Order 1983.

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