

2015 No. 648

SEA FISHERIES, ENGLAND

FISHERY LIMITS, ENGLAND

BOATS AND METHODS OF FISHING, ENGLAND

The Fishing Boats Designation (England) Order 2015

<i>Made</i> - - - -	<i>9th March 2015</i>
<i>Laid before Parliament</i>	<i>13th March 2015</i>
<i>Coming into force</i> - -	<i>1st July 2015</i>

The Secretary of State, in exercise of the powers conferred by sections 2(1) and (4) and 6(2) of the Fishery Limits Act 1976(a), and section 14A of the Interpretation Act 1978(b), and now vested in the Secretary of State(c), makes the following Order.

Title, commencement, extent and application

1.—(1) This Order may be cited as the Fishing Boats Designation (England) Order 2015 and comes into force on 1st July 2015.

(2) This Order extends to England and Wales, but applies only in England and within British fishery limits(d), other than the excluded areas.

(3) For the purposes of paragraph (2), the excluded areas are—

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- (a) 1976 c.86 (“the 1976 Act”). Section 2(1) and (4) was amended by S.I. 1999/1820 article 4, Schedule 2, paragraph 57(1) and (2)(a).
- (b) 1978 c.30. Section 14A was inserted by section 59(1) and (2) of the Enterprise and Regulatory Reform Act 2013 (c.24).
- (c) The functions of the Ministers under the 1976 Act in relation to Wales were transferred to the National Assembly for Wales and then transferred from that body to Welsh Ministers: see article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Insofar as those functions were exercisable in relation to the Welsh zone, they have been transferred to Welsh Ministers by article 4(1)(d) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760). The functions under the 1976 Act within British fishery limits but outside the Scottish zone are exercisable by the Ministers. Section 2(9) of the 1976 Act provides for the Scottish Ministers to exercise the functions under section 2 of the 1976 Act. Any remaining functions of the Secretaries of State concerned with the sea fishing industry in Scotland and Wales under section 2 of the 1976 Act were transferred to the Minister of Agriculture, Fisheries and Food: see article 2(1) of, and the Schedule to, the Transfer of Functions (Agriculture and Fisheries) Order 2000 (S.I. 2000/1812). Functions under section 2 of the 1972 were transferred to the Department of Agriculture and Rural Development under article 3(3) of, and paragraph 4 of Schedule 3 to, the Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790). Functions under section 2 of the 1976 Act have been transferred to the Secretary of State: see article 3(1)(c) of the Transfer of Functions (Sea Fisheries) Order (S.I. 2012/2747).
- (d) “British fishery limits” are the limits set for the purposes of section 1 of the 1976 Act by an Order in Council under section 41(3) of the Marine and Coastal Access Act 2009 (c.23). Section 1(1) was substituted (in relation to England and Wales) by the Marine and Coastal Access Act 2009, Schedule 4, paragraph 2(1) and (2). Section 1(3) and (4) was repealed (in relation to England and Wales) by the Marine and Coastal Access Act 2009, Schedule 4, paragraph 2(1) and (3) and Schedule 22, Part 1. The Exclusive Economic Zone Order 2013 (S.I. 2013/3161), an Order in Council under section 41(3) of that Act, designates the area of the exclusive economic zone.

- (a) the Northern Ireland zone (within the meaning of section 98(1) and (8) of the Northern Ireland Act 1998(a));
- (b) the Scottish zone (within the meaning of section 126(1) and (2) of the Scotland Act 1998(b)); or
- (c) the Welsh zone (within the meaning of section 158(1) of the Government of Wales Act 2006(c)).

Interpretation

2. In this Order, “the Act” means the Fishery Limits Act 1976(d).

Access to fisheries

3.—(1) There are designated for the purposes of section 2(1) of the Act—

- (a) the countries specified in column 1 of Schedule 1 (“designated countries”); and
- (b) in relation to each designated country, the areas specified in respect of that country in column 2 of that Schedule (“designated areas”).

(2) The descriptions of sea fish for which the fishing boats registered in any of the designated countries may fish in any designated area are those specified in column 3 of Schedule 1 in respect of that area.

(3) In paragraph (5) and Schedule 1, “the baselines”, except where otherwise indicated, means the baselines from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured, established by the Territorial Sea (Baselines) Order 2014(e).

(4) In Schedule 1, “demersal fish” means all sea fish except salmon, migratory trout, mackerel, clupeoid fishes, sand eels, Norway pout, smelts, eels, great weevers, crustaceans and molluscs (other than squids).

(5) In Schedules 1 and 2, “ICES”, in relation to an area or areas, refers to one or more of the statistical sub-areas and divisions established by the International Council for the Exploration of the Sea(f), listed in column 1 of Schedule 2 and respectively described in column 2 of that Schedule, but excluding any part of those areas which is within 12 miles from the baselines or which is outside British fishery limits.

(6) All directions in Schedules 1 and 2 are related to the true compass.

(7) Schedule 1 has effect subject to the Notes to that Schedule.

Stowage of gear

4. Where any fishing gear of a foreign fishing boat(g) is required by section 2(4) of the Act to be stowed while the boat is in any area within British fishery limits, the requirements in accordance with which such gear must be stowed are as follows—

- (a) all such fishing gear must be carried wholly inboard;

(a) 1998 c.47. The Northern Ireland zone is specified in the Adjacent Waters Boundaries (Northern Ireland) Order 2002 (S.I. 2002/791) made under section 98(8) of the Northern Ireland Act 1998.

(b) 1998 c.46. The Scottish zone is specified in the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126) made under section 126(2) of the Scotland Act 1998.

(c) 2006 c.32; section 158(1) was amended by the Marine and Coastal Access Act 2009 (c.23), section 43(2). The Welsh zone is specified in the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760) made under sections 58, 157(2) and 158(4) of, and paragraph 7 of Schedule 3 and paragraph 2 of Schedule 4 to, the Government of Wales Act 2006.

(d) 1976 c.86.

(e) S.I. 2014/1353.

(f) Cmnd 2586.

(g) The term ‘foreign fishing boat’ is defined in section 8 of the Fishery Limits Act 1976 (c.86), as amended by the Merchant Shipping Act 1995 (c.21), Schedule 13, paragraph 49(a).

- (b) all nets and trawlboards and weights must be disconnected from their towing or hauling wires or ropes;
- (c) all trawlboards and weights must be secured at deck level or carried below deck;
- (d) all nets which are on deck or above deck must be securely lashed to some part of the superstructure of the fishing boat.

Revocations

5. The statutory instruments specified in columns 1 and 2 of Schedule 3 are revoked.

Review

6.—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as reasonable, have regard to how Article 5 of Regulation (EU) No. 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulations (EC) No. 1954/2003 and (EC) No. 1224/2009 and repealing Council Regulations (EC) No. 2371/2002 and (EC) No. 639/2004 and Council Decision 2004/585/EC(a) (to which this Order relates) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by this Order;
- (b) assess the extent to which the objectives have been achieved;
- (c) assess whether the objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(4) The first report under this article must be published before the end of the period of five years beginning with the date on which this Order comes into force.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

9th March 2015

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) OJ No. L354, 28.12.2013, p.22, as amended by Council Regulation (EU) No. 1385/2013 (OJ No. L354, 28.12.2013, p.86).

SCHEDULES

SCHEDULE 1

Article 3

Access to fisheries: designated countries and designated areas

<i>Designated country</i>	<i>Designated areas</i>	<i>Descriptions of sea fish</i>
Austria	Any part of British fishery limits outside 12 miles from the baselines.	All descriptions of sea fish
Belgium	<p>1. Any part of British fishery limits outside 12 miles from the baselines.</p> <p>2. The following areas within 12 miles, but outside 6 miles, from the baselines—</p> <p>(a) an area between—</p> <p style="padding-left: 40px;">(i) a line drawn due east from Berwick Breakwater Head lighthouse and</p> <p style="padding-left: 40px;">(ii) a line drawn due east from Coquet Island lighthouse;</p> <p>(b) an area between—</p> <p style="padding-left: 40px;">(i) a line drawn due north from Cromer lighthouse and</p> <p style="padding-left: 40px;">(ii) a line drawn due east from North Foreland lighthouse;</p> <p>(c) an area between—</p> <p style="padding-left: 40px;">(i) a line drawn due east from North Foreland lighthouse and</p> <p style="padding-left: 40px;">(ii) a line drawn due south from Dungeness New lighthouse;</p> <p>(d) an area between—</p> <p style="padding-left: 40px;">(i) a line drawn due south from Dungeness New</p>	<p>All descriptions of sea fish</p> <p>Herring</p> <p>Demersal fish</p> <p>Herring and demersal fish</p> <p>Demersal fish</p>

	lighthouse and	
	(ii) a line drawn due south from Selsey Bill;	
	(e) an area between—	Demersal fish
	(i) a line drawn south-east from Straight Point lighthouse and	
	(ii) a line drawn north-west from South Bishop lighthouse.	
	3. Areas within 12 miles, but outside 6 miles, from the baselines and between the demarcation lines drawn west from Chicken Rock lighthouse and south-east from Douglas lighthouse.	Demersal fish
Denmark	Any part of British fishery limits outside 12 miles from the baselines.	All descriptions of sea fish
Faroe Islands	ICES IVb, c.	Horse mackerel, Norway pout, sand eels, sprat, other white fish by-catches ⁽¹⁾
	ICES VIIe, f, h.	Mackerel, horse mackerel
Finland	All sub-areas and divisions. Any part of British fishery limits outside 12 miles from the baselines.	Porbeagle All descriptions of sea fish
France	1. Any part of British fishery limits outside 12 miles from the baselines.	All descriptions of sea fish
	2. The following areas within 12 miles, but outside 6 miles, from the baselines—	
	(a) an area between—	Herring
	(i) a line drawn due east from Berwick Breakwater Head lighthouse and	
	(ii) a line drawn due east from Coquet Island lighthouse;	
	(b) an area between—	Herring
	(i) a line drawn due east from Flamborough Head lighthouse	

and

- (ii) a line drawn due east from Spurn Head lighthouse;
- (c) an area between— All descriptions of sea fish
 - (i) a line drawn due east from Lowestoft lighthouse and
 - (ii) longitude 2 degrees 56 minutes W;
- (d) an area between— Demersal fish
 - (i) longitude 2 degrees 56 minutes W and
 - (ii) a line drawn due south from Eddystone lighthouse;
- (e) an area between— Demersal fish, lobster, crawfish and scallops
 - (i) a line drawn due south from Eddystone lighthouse and
 - (ii) a line drawn south-west from Longships lighthouse;
- (f) an area between— Demersal fish, lobster and crawfish
 - (i) a line drawn south-west from Longships lighthouse and
 - (ii) a line drawn north-west from Hartland Point lighthouse.

3. Such part of the area within 12 miles of the baselines adjacent to Lundy Island, but outside 6 miles from all baselines, as lies to the north and east of a line drawn north-west from Hartland Point lighthouse.

Demersal fish

4. Such part of the area within 12 miles, but outside 6 miles, from the baselines and between—

All descriptions of sea fish

- (a) a line drawn north-

	west from Hartland Point lighthouse and	
	(b) a line drawn north- west from Cemaes Head	
	as lies outside 12 miles from the baselines adjacent to Lundy Island.	
	5. Areas within 12 miles, but outside 6 miles, from the baselines and between the demarcation lines drawn west from Chicken Rock lighthouse and south-east from Douglas lighthouse.	Demersal fish
	6. Areas within 12 miles, but outside 6 miles, from the baselines and between the demarcation lines drawn south-west from L'etac de Sark and north-east from Alderney lighthouse.	Crabs and demersal fish
Federal Republic of Germany	1. Any part of British fishery limits outside 12 miles from the baselines.	All descriptions of sea fish
	2. The following areas within 12 miles, but outside 6 miles, from the baselines—	
	(a) an area between	Herring
	(i) a line drawn due east from Berwick Breakwater Head lighthouse and	
	(ii) a line drawn due east from Whitby High lighthouse;	
	(b) an area between—	Herring
	(i) a line drawn due east from North Foreland lighthouse and	
	(ii) a line drawn due south from Dungeness New lighthouse.	
Greece	Any part of British fishery limits outside 12 miles from the baselines.	All descriptions of sea fish
Republic of Ireland	1. Any part of British fishery limits outside 12 miles from the baselines.	All descriptions of sea fish

2. Such parts of the area within 12 miles, but outside 6 miles, from the baselines adjacent to Great Britain and between—

(a) a line drawn due north from Point Lynas lighthouse and

(b) a line drawn due south from the Mull of Galloway lighthouse

Demersal fish and nephrops

as lie no nearer to the Isle of Man than a line every point of which is equidistant from the nearest points of, on the one hand, the baselines adjacent to Great Britain and, on the other hand, the baselines adjacent to the Isle of Man.

Demersal fish and nephrops

3. Areas within 12 miles, but outside 6 miles, from the baselines and between the demarcation lines drawn north-east from Point of Ayre lighthouse and south from Chicken Rock lighthouse.

4. Areas within 12 miles, but outside 6 miles, from the baselines and between the demarcation lines drawn west from Jurby Head Church and south from Chicken Rock lighthouse.

Herring

Italy

Any part of British fishery limits outside 12 miles from the baselines.

All descriptions of sea fish

Luxembourg

Any part of British fishery limits outside 12 miles from the baselines.

All descriptions of sea fish

Netherlands

1. Any part of British fishery limits outside 12 miles from the baselines.

All descriptions of sea fish

2. The following areas within 12 miles, but outside 6 miles, from the baselines—

(a) an area between—

Herring

(i) a line drawn due east from Berwick Breakwater Head lighthouse and

	(ii) a line drawn due east from Flamborough Head lighthouse;	
	(b) an area between—	Herring
	(i) a line drawn due east from North Foreland lighthouse and	
	(ii) a line drawn due south from Dungeness New lighthouse.	
Norway	ICES IVb.	All species except for mackerel
	ICES IVc.	All species except for herring and mackerel
	ICES VII.	Blue ling, ling, tusk, dogfish ⁽²⁾ , basking shark, porbeagle, combined quota species ⁽³⁾
	ICES VIId, e, f, h	Mackerel
Portugal	Any part of British fishery limits outside 12 miles from the baselines.	All descriptions of sea fish.
Spain	Any part of British fishery limits outside 12 miles from the baselines.	All descriptions of sea fish.
Sweden	Any part of British fishery limits outside 12 miles from the baselines.	All descriptions of sea fish

⁽¹⁾ “Other white fish by-catches” means by-catches of fish of descriptions other than those specified in column 3 in relation to the Faroe Islands.

⁽²⁾ “Dogfish” includes grey shark, black shark, bird-beak dogfish, leafscale gulper shark, greater lantern shark, smooth lantern shark and Portugese dogfish.

⁽³⁾ “Combined quota species” means grenadier or rat-tails, mora mora and greater forkbeard.

SCHEDULE 2

Article 3(5)

ICES areas

<i>ICES area</i>	<i>Description</i>
ICES IVb	The waters bounded by a line beginning at a point on the west coast of Denmark in 57°00' north latitude; thence due west to 8°00' east longitude; thence due north to 57°30' north latitude; thence due west to the coast of Scotland; thence in a southerly direction along the coasts of Scotland and England to a point in 53°30' north latitude; thence due east to the coast of the Federal Republic of Germany; thence in a north-easterly direction along the coast of the Federal Republic of Germany to the western terminus of its boundary with

ICES IVc	<p>Denmark; thence along the west coast of Jutland to Thyboron; thence in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; thence across the eastern entrance of the Limfjord to Hals; thence in a westerly direction along the north coast of Limfjord to the southernmost point of Agger Tange; thence in a northerly direction along the west coast of Jutland to the point of beginning.</p>
ICES VII	<p>The waters bounded by a line beginning at a point on the west coast of the Federal Republic of Germany in 53°30' north latitude; thence due west to the coast of England; thence in a southerly direction along the coast of England to a point in 51°00' north latitude; thence due east to the coast of France; thence in a north-easterly direction along the coasts of France, Belgium, the Netherlands and the Federal Republic of Germany to the point of beginning.</p> <p>The waters bounded by a line beginning at a point on the west coast of the Republic of Ireland in 54°30' north latitude; thence due west to 18°00' west longitude; thence due south to 48°00' north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to a point in 51°00' north latitude; thence due west to the south-east coast of England; thence in a westerly and northerly direction along the coasts of England, Wales and Scotland to a point on the west coast of Scotland in 55°00' north latitude; thence due west to the coast of Northern Ireland; thence in northerly and westerly direction along the coasts of Northern Ireland and the Republic of Ireland to the point of beginning.</p>
ICES VIIId	<p>The waters bounded by a line beginning at a point on the west coast of France in 51°00' north latitude; thence due west to the coast of England; thence in a westerly direction along the south coast of England to 2°00' west longitude; thence in a southerly direction to the coast of France at Cape de la Hague; thence in a north-easterly direction along the coast of France to the point of beginning.</p>
ICES VIIe	<p>The waters bounded by a line beginning on the south coast of England in 2°00' west longitude; thence in a southerly and westerly direction along the coast of England to a point on the south-west coast in 50°00' north latitude; thence due west to 7°00' west longitude; thence due south to 49°30' north latitude; thence due east to 5°00' west longitude; thence due south to 48°00' north latitude; thence due east to the coast of France; thence in a northerly and north-</p>

ICES VIIf

easterly direction along the coast of France to Cape de la Hague; thence in a northerly direction to the point of beginning.

The waters bounded by a line beginning at a point on the south coast of Wales in 5°00' west longitude; thence due south to 51°00' north latitude; thence due west to 6°00' west longitude; thence due south to 50°30' north latitude; thence due west to 7°00' west longitude; thence due south to 50°00' north latitude; thence due east to the coast of England; thence along the south-west coast of England and the south coast of Wales to the point of beginning.

ICES VIIh

The waters bounded by a line beginning at a point in 50°00' north latitude and 7°00' west longitude; thence due west to 9°00' west longitude; thence due south to 48°00' north latitude; thence due east to 5°00' west longitude; thence due north to 49°30' north latitude; thence due west to 7°00' west longitude; thence due north to the point of beginning.

SCHEDULE 3

Article 5

Revocations

<i>Statutory instrument</i>	<i>Reference</i>
The Fishing Boats (Belgium) Designation Order 1965(a)	S.I. 1965 No. 1569
The Fishing Boats (France) Designation Order 1965(b)	S.I. 1965 No. 1241
The Fishing Boats (Republic of Ireland) Designation Order 1965(c)	S.I. 1965 No. 1448
The Foreign Fishing Boats (Stowage of Gear) Order 1970	S.I. 1970 No. 318
The Fishing Boats (European Economic Community) Designation Order 1983(d)	S.I. 1983 No. 253
The Fishing Boats (European Economic Community) Designation (Variation) Order 1986	S.I. 1986 No. 382
The Fishing Boats (European Economic Community) Designation (Variation) Order 1992	S.I. 1992 No. 3108
The Fishing Boats (European Economic Community) Designation (Variation) Order 1996	S.I. 1996 No. 248

(a) Amended by S.I. 1972/2026.

(b) Amended by S.I. 1972/2026.

(c) Amended by S.I. 1972/2026.

(d) Amended by S.I. 1986/382 and 1992/3108.

The Fishing Boats (Specified Countries) Designation Order 1996	S.I. 1996 No. 1035
The Fishing Boats (Specified Countries) Designation (Variation) Order 1997	S.I. 1997 No. 1630

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies to England and within British fishery limits other than the Northern Ireland zone, the Scottish zone and the Welsh zone, and revokes the statutory instruments listed in Schedule 3, consolidating their provisions. The Order provides for the execution and enforcement of Article 5 of Regulation (EU) No. 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulations (EC) No. 1954/2003 and (EC) No. 1224/2009 and repealing Council Regulations (EC) No. 2371/2002 and (EC) No. 639/2004 and Council Decision 2004/585/EC(a).

By virtue of section 1(1) of the Act, British fishery limits extend to the seaward limits of any area for the time being designated as an exclusive economic zone by an Order in Council under section 41 of the Marine and Coastal Access Act 2009(b). The area of the exclusive economic zone is designated by the Exclusive Economic Zone Order 2013(c).

Article 3 designates countries specified in Schedule 1 for the purposes of section 2(1) of the Fishery Limits Act 1976(d) (“the Act”) and the areas in which fishing boats registered in any of those countries may fish within British fishery limits. Where any part of an area designated by the Order is not within those limits or is within an excluded area, the designation of an area by article 3(1)(b) will (by virtue of article 1(2)) only apply to that part of the area that is within those limits and is not within an excluded area.

Article 4 prescribes how, in the circumstances specified in section 2(4) of the Act, fishing gear is to be stowed on foreign fishing boats while within British fishery limits. Section 2(5) of the Act makes the master of a fishing boat guilty of an offence in the case of any contravention of section 2(2) to (4) of the Act, including any such contravention by virtue of a failure to comply with the requirements of article 4.

Article 5 revokes the instruments specified in Schedule 3, in so far as they apply in relation to England and within British fishery limits.

Article 6 requires the Secretary of State to carry out a periodic review of this Order.

A full impact assessment has not been produced for this instrument, as no, or no significant, impact on the private, voluntary or public sectors is foreseen. The Explanatory Memorandum is available at www.legislation.gov.uk.

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(a) OJ No. L354, 28.12.2013, p.22, as amended by Council Regulation (EU) No. 1385/2013 (OJ No. L354, 28.12.2013, p.86).
(b) c.23.
(c) S.I. 2013/3161.
(d) c.86.

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