

Statutory Instrument 1987 No. 1566

The Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1987

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STATUTORY INSTRUMENTS

1987No. 1566

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1987

Made 4th September 1987

Laid before Parliament 7th September 1987

Coming into force 8th September 1987

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 6(1), (2) and (3), 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967^{[\[1\]](#)}, and of all other powers enabling them in that behalf, after consultation with the Secretary of State for Trade and Industry, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1987 and shall come into force on 8th September

1987.

Interpretation

2. In this Order—

"British fishing boat" means a fishing boat which is registered in the United Kingdom, the Isle of Man or any of the Channel Islands or which, not being so registered, is British-owned;

"Channel Island waters" means the waters within 12 miles from the baselines from which the breadth of the territorial sea adjacent to any of the Channel Islands is measured but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines of France;

"ICES" followed by a roman numeral with or without a letter shall be construed as a reference to whichever of the statistical sub-areas and divisions of the International Council for the Exploration of the Sea^[2] described in Schedule 1 or specified in Schedule 3 to this Order is identified therein by that roman numeral or that roman numeral and letter as the case may be;

"length" means the length by reference to which the tonnage of a British fishing boat is calculated for the purpose of registration under Part IV of the Merchant Shipping Act 1894^[3] ;

"specified sea fish" means the descriptions of sea fish set out in Schedule 2 to this Order.

Prohibition on landing

3. Subject to article 4 below, the landing in the United Kingdom of any of the specified sea fish caught in ICES VII or VIII is prohibited.

Exceptions from prohibition

4. The prohibition imposed by article 3 above is subject to the following exceptions:—

(a) the landing of specified sea fish caught by any fishing boat which is not a British fishing boat;

(b) the landing of specified sea fish caught by any British fishing boat whose length is not more than 10 metres;

(c) the landing of specified sea fish caught under the authority of a licence granted by or on behalf of one of the Ministers or the Department of Agriculture, Fisheries and Forestry, the Isle of Man;

(d) the landing of any of the specified sea fish caught in any part of ICES VIIId or ICES VIIe respectively which is within Channel Island waters, if fishing for that description of sea fish in the remainder of the relevant ICES division is for the time being authorised by a licence granted by or on behalf of one of the Ministers;

(e) the landing of a quantity of sea fish consisting of one or more of the descriptions of sea fish referred to in an entry in column 2 of Schedule 3 to this Order which—

(i) has been caught in a division of ICES VII referred to in column 1 of that Schedule opposite that entry by the fishing boat landing that quantity otherwise than under the authority of a licence granted by or on behalf of one of the Ministers or the Department of Agriculture, Fisheries and Forestry, the Isle of Man, in the course of fishing in that division of ICES VII for another description of sea fish the fishing for which is not prohibited or being prohibited is authorised by such a licence; and

(ii) does not exceed 10 per cent by weight of the landed catch.

Powers of British sea-fishery officers in relation to fishing boats

5. —(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise in relation to any British fishing boat anywhere the powers

conferred by paragraphs (2) to (4) of this article.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) of this article and, in particular

(a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and

(b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;

(c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 6(5) of the Act as read with this Order, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search;

(d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in subparagraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that an offence under this Order has at any time been committed within British fishery limits, he may—

(a) require the master of the boat in relation to which the offence took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and

(b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

Revocation

6. The Orders specified in Schedule 4 to this Order are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th September 1987.

John Selwyn Gummer

Minister of State Minister of Agriculture, Fisheries and Food

Ian Lang

Minister of State, Scottish Office

1st September 1987

Ian Grist

Parliamentary Under Secretary of State Welsh Office

28th August 1987

Brian S. Mawhinney

Parliamentary Under Secretary of State Northern Ireland Office

29th August 1987

Notes:

[1] 1967 c. 84; section 6(1) is to be read with the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537), Schedule 2, paragraph 10, the Secretary of State (New Departments) Order 1974 (S.I. 1974/692), Schedule I, Part III and the Transfer of Functions (Trade and Industry) Order 1983 (S.I. 1983/1127), article 2(1); 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); section 22(2)(a), which contains a definition of "the Ministers" for the purposes of sections 6(1) and 15(3), was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and 45(b). [back](#)

[2] Cmnd. 2586. [back](#)

[3] 1894 c. 60. [back](#)