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STATUTORY INSTRUMENTS

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**2003 No. 1560**

**SEA FISHERIES, ENGLAND**

**CONSERVATION OF SEA FISH**

**The Sea Fish (Specified Sea Areas) (Regulation of Nets  
and Other Fishing Gear) (Amendment) Order 2003**

<i>Made</i>	- - - -	<i>11th June 2003</i>
<i>Laid before Parliament</i>		<i>16th June 2003</i>
<i>Coming into force</i>	- -	<i>7th July 2003</i>

The Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with the sea fishing industry in Northern Ireland in exercise of the powers conferred by sections 3, 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967(1), and now vested in them(2), make the following Order:

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- (1) 1967 c. 84. Section 3 was amended by the Fishery Limits Acts 1976 (c. 86), Schedule 2, paragraph 16(1), the Inshore Fishing (Scotland) Act 1984 (c. 26), Schedule 1 and the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 43(1), (2) and (4). Section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77), Schedule 1 paragraph 38(3) and amended by the Fishery Limits Act 1976 (c. 86), Schedule 2, paragraph 16(1) and S.I. 1999/1820, Schedule 2, paragraph 43(2)(b). See section 22(2)(a) for definitions of “the Ministers” for the purposes of sections 3 and 15(3); section 22(2) was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and 45(b) and (c) and by S.I. 1999/1820, Schedule 2, paragraph 43(12).
- (2) By virtue of article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under section 3 of the 1967 Act were transferred to the National Assembly in so far as exercisable in relation to Wales (defined in section 155(1) of the Government of Wales Act 1998 (c. 38) as including “the sea adjacent to Wales out as far as the seaward boundary of the territorial sea”); in respect of waters beyond Wales these functions remain exercisable by the Ministers. Section 53 of the Scotland Act 1998 (c. 46) as read with article 3(1) and Schedule 1 of the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592) provide for the functions exercisable under sections 3(1), (3) and (4) and 15(3) of the 1967 Act to be exercised by the Ministers, concurrently with Scottish Ministers, in relation to relevant British fishing boats within the Scottish zone, and Scottish fishing boats within British fishery limits but outside the Scottish zone. By virtue of article 2(1) of, and the Schedule to, the Transfer of Functions (Agriculture and Fisheries) Order 2000 (S.I. 2000/1812) any remaining functions of the Secretaries of State for Scotland and Wales under sections 3 and 15(3) of the 1967 Act were transferred to the Minister of Agriculture, Fisheries and Food. By virtue of paragraph 2 of Schedule 1 to the Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790), an order under section 3 of the 1967 Act may make provision applying only to relevant British fishing boats other than Northern Ireland fishing boats. By virtue of paragraph 3(1)(b) of that Schedule the function of the Ministers under section 3 of the 1967 Act of making an order requiring nets and other fishing gear carried in Northern Ireland fishing boats or in the Northern Ireland zone to comply with prescribed requirements was transferred to the Department of Agriculture and Rural Development but, by virtue of paragraph 3(2), the Ministers retain a concurrent function to make an order in relation to British fishing boats, other than Northern Ireland fishing boats, within the Northern Ireland zone and in relation to Northern Ireland fishing boats within British fishery limits but outside the Northern Ireland zone. The functions of the Minister of Agriculture, Fisheries and Food and one or more named Secretaries of State (however described) acting jointly were transferred to the Secretary of State for Environment, Food and Rural Affairs and the one or more Secretaries of State acting jointly by virtue of article 2(5) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

**Title, commencement and extent**

1. This Order may be cited as the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Amendment) Order 2003 and shall come into force on 7th July 2003.

**Amendment of the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001**

2. Except insofar as it extends to Northern Ireland, the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001<sup>(3)</sup> is amended in accordance with the following provisions of this Order.

3. In article 2(1), the definition of “extension piece” shall be omitted and the definition of “the Council Regulation” shall be replaced with the following definition—

““the Council Regulation” means Council Regulation (EC) No. 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms<sup>(4)</sup> as last amended by Council Regulation (EC) No. 973/2001<sup>(5)</sup>”.

4. In article 3(1) and 3(2), the phrase, “articles 4 and 6 apply” shall be replaced with “article 4 applies”.

5. In article 3(3), the phrase, “Articles 4 and 6 do not apply” shall be replaced with “Article 4 does not apply”.

6. Article 6 is deleted.

*Elliot Morley*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

9th June 2003

*Paul Murphy*  
Secretary of State for Northern Ireland

11th June 2003

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<sup>(3)</sup> S.I. 2001/649.

<sup>(4)</sup> OJ No. L125, 27.4.98, p.1.

<sup>(5)</sup> OJ No. L137, 19.5.2001, p.1.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001 (S.I.2001/649), which regulates the carriage of certain nets and other fishing gear. The amendment does not apply insofar as the 2001 Order extends to Northern Ireland.

The Order deletes article 6 of S.I. 2001/649 which imposed requirements on the maximum thickness of multiple twines in nets to which that order applied. It also makes minor consequential amendments to articles 2 and 3.

**Changes to legislation:**

There are currently no known outstanding effects for the The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Amendment) Order 2003.