
STATUTORY INSTRUMENTS

1997 No. 3054

**The Sole, etc. (Specified Sea Areas)
(Prohibition of Fishing) Order 1997**

Title, commencement and interpretation

1.—(1) This Order may be cited as the Sole, etc. (Specified Sea Areas) (Prohibition of Fishing) Order 1997 and shall come into force on 14th January 1998.

(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;

“length”, in relation to a boat, means the length calculated in accordance with the rules specified in Article 2(1) of Council Regulation (EEC) No. 2930/86 defining characteristics for fishing vessels(1) as amended(2);

“sea area” means a statistical division or sub-area of the International Council for the Exploration of the Sea(3) specified in the Schedule hereto.

Prohibition and Exception

2.—(1) Fishing is prohibited—

(a) by any British fishing boat registered in the United Kingdom within any part of a sea area;
or

(b) by any other British fishing boat within any part of a sea area which lies within British fishery limits(4)

for the species specified in paragraph (2) below, in the sea areas and during the periods also specified in that paragraph.

(2) The species, sea areas and periods specified for the purposes of paragraph (1) above are—

(a) sole (*Solea solea*) in sea areas ICES Statistical Sub-Areas II and IV during the period beginning with the date of the coming into force of this Order and ending immediately before 22 April 1998; and

(b) (i) plaice (*Pleuronectes platessa*) in sea areas ICES Statistical Divisions VIIIh, j and k;
(ii) sole (*Solea solea*) in sea areas ICES Statistical Sub Areas VI, XII and XIV and ICES Statistical Divisions Vb and VIIIh, j and k; or

(iii) other species in that part of sea areas ICES Statistical Sub-Area IV which lies within Norwegian fishery limits;

during the period beginning with the date of coming into force of this Order and ending immediately before 1st January 1998.

(1) OJ No. L274, 25.9.86, p. 1.

(2) There are no amendments relevant to this definition.

(3) Cmnd. 2586.

(4) See section 1(1) of the Fishery Limits Act 1976 (c. 86).

(3) The prohibition in paragraph (1) above shall not apply to any boat whose length exceeds 10 metres, except in the case of any boat when used for the purpose of conveying persons wishing to fish for pleasure.

(4) For the purpose of paragraph (2) above “other species” are all species of fish except:

- cod (*Gadus morhua*),
- haddock (*Melanogrammus aeglefinus*),
- whiting (*Merlangius merlangus*),
- saithe (*Pollachius virens*),
- plaice (*Pleuronectes platessa*),
- Norway pout (*Trisopterus esmarkii*),
- sandeels (*Ammodytes tobianus*),
- blue whiting (*Micromesistius poutassou*),
- herring (*Clupea harengus*),
- mackerel (*Scomber scombrus*) and
- shrimps (*Crangon vulgaris*).

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

3.—(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) below—

- (a) anywhere in relation to any British fishing boat registered in the United Kingdom; and
- (b) in any waters adjacent to the United Kingdom and within British fishery limits in relation to any other British fishing boat.

(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) above 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;
- (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 5(1) or (6) of the Sea Fish (Conservation) Act 1967⁽⁵⁾ 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; and
- (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

(5) Subsection (6) was amended by section 22(2) of the Fisheries Act 1981. By virtue of subsection (7), where subsection (6) is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) are guilty of an offence under that subsection.

on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in sub-paragraph (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 a contravention of this Order has at any time taken place within British fishery limits he may—

(a) require the master of the boat in relation to which the contravention 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 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.

22nd December 1997

Elliot Morley
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

19th December 1997

Calum MacDonald
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

18th December 1997

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

17th December 1997

Dubs
Parliamentary Under Secretary of State, for
Northern Ireland