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STATUTORY INSTRUMENTS

1997 No. 3054

**SEA FISHERIES
CONSERVATION OF SEA FISH**

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

<i>Made</i>	- - - -	<i>22nd December</i> <i>1997</i>
<i>Laid before Parliament</i>		<i>23rd December 1997</i>
<i>Coming into force</i>	- -	<i>14th January 1998</i>

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 5(1), 15(3) and 22(2)(a) of the Sea Fish (Conservation) Act 1967(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 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(2) as amended(3);

(1) 1967 c. 84; section 5(1) was substituted by section 22(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); section 22(2)(a) which contains a definition of “the Ministers” for the purposes of sections 5 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

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

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

“sea area” means a statistical division or sub-area of the International Council for the Exploration of the Sea(4) 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(5)

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.

(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—

(4) Cmnd. 2586.

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

- (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(6) 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 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.

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

22nd December 1997

(6) 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.

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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

SCHEDULE

Article 1(2)

Sea Areas in Respect of which prohibition of fishing applies

ICES Statistical Sub-Area II (Norwegian Sea, Spitzbergen and Bear Island)

The waters bounded by a line drawn from the geographic North Pole along the meridian of 30°00' east longitude to 72°00' north latitude; thence due west to 26°00' east longitude; thence due south to the coast of Norway; thence in a westerly and south-westerly direction along the coast of Norway to 62°00' north latitude; thence due west to 4°00' west longitude; thence due north to 63°00' north latitude; thence due west to 11°00' west longitude; thence due north to the geographic North Pole.

ICES Statistical Sub-Area IV (North Sea)

The waters bounded by a line beginning at a point on the coast of Norway in 62°00' north latitude; thence due west to 4°00' west longitude; thence due south to the coast of Scotland; thence in an easterly and southerly direction along the coasts of Scotland and 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 western terminus of its boundary with 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 a point 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 7°00' east longitude; thence due north to the coast of Norway; thence in a north-westerly direction along the coast of Norway to the point of beginning.

ICES Statistical Division Vb (Faroes Grounds)

The waters bounded by a line beginning at a point in 63°00' north latitude, 4°00' west longitude; thence due west to 15°00' west longitude; thence due south to 60°00' north latitude; thence due east to 5°00' west longitude; thence due north to 60°30' north latitude; thence due east to 4°00' west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area VI (Rockall and West of Scotland)

The waters bounded by a line beginning at a point on the north coast of Scotland in 4°00' west longitude; thence due north to 60°30' north latitude; thence due west to 5°00' west longitude; thence due south to 60°00' north latitude; thence due west to 18°00' west longitude; thence due south to 54°30' north latitude; thence due east to the coast of the Republic of Ireland; thence in a northerly and easterly direction along the coasts of the Republic of Ireland and of Northern Ireland to a point on the east coast of Northern Ireland in 55°00' north latitude; thence due east to the coast of Scotland; thence in a northerly direction along the west coast of Scotland to the point of beginning.

ICES Statistical Division VIIh (Little Sole Bank)

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.

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ICES Statistical Division VIIj (Great Sole Bank)

The waters bounded by a line beginning at a point 52°30' north latitude on the west coast of the Republic of Ireland; thence due west to 12°00' west longitude; thence due south to 48°00' north latitude; thence due east to 9°00' west longitude; thence due north to the south coast of the Republic of Ireland; thence in a westerly and northerly direction along the coast of the Republic of Ireland to the point of beginning.

ICES Statistical Division VIIk (West of Great Sole Bank)

The waters bounded by a line beginning at a point in 52°30' north latitude and 12°00' west longitude; thence due west to 18°00' west longitude; thence due south to 48°00' north latitude; thence due east to 12°00' west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area XII (North of Azores)

The waters bounded by a line beginning at a point in 62°00' north latitude and 15°00' west longitude; thence due west to 27°00' west longitude; thence due south to 59°00' north latitude; thence due west to 42°00' west longitude; thence due south to 48°00' north latitude; thence due east to 18°00' west longitude; thence due north to 60°00' north latitude; thence due east to 15°00' west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area XIV (East Greenland)

The waters bounded by a line from the geographic North Pole along the meridian of 40°00' west longitude to the north coast of Greenland; thence in an easterly and southerly direction along the coast of Greenland to a point in 44°00' west longitude; thence due south to 59°00' north latitude; thence due east to 27°00' west longitude; thence due north to 68°00' north latitude; thence due east to 11°00' west longitude; thence due north to the geographic North Pole.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits fishing for—

1. sole in sea areas ICES Statistical Sub-Areas II and IV during the period beginning with the date of coming into force of the Order and ending immediately before 22nd April 1998; and

- (a) (a) plaice in sea areas ICES Statistical Divisions VIIh, j and k;
- (b) sole in sea areas ICES Statistical Sub-Areas VI, XII and XIV and ICES Statistical Divisions Vb and VIIh, j and k; and
- (c) other species in that part of sea area ICES Statistical Sub-Area IV which lies within Norwegian fishery limits;

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

by any British fishing boat which does not exceed 10 metres in length or which is used wholly for the purposes of conveying persons wishing to fish for pleasure (article 2; a definition of “other species” is given at paragraph (4) of that article.)

The prohibitions of fishing set out above shall apply—

- (a) within any part of a sea area specified in the Schedule to the Order if the boat is registered in the United Kingdom, or
- (b) within any part of such a sea area which lies within British fishery limits if the boat is registered in the Isle of Man or any of the Channel Islands or, not being registered, is British-owned.

By Virtue of section 5(6) of the Sea Fish (Conservation) Act 1967 (as amended by section 22(2) of the Fisheries Act 1981), where, in the course of any fishing operations conducted in any of the above-mentioned sea areas, fish caught in contravention of this Order are taken on board a boat to which this Order applies, those fish shall (subject to section 9 of that Act) be returned to the sea forthwith.

British sea-fishery officers are given certain enforcement powers for the purpose of the enforcement of the Order (article 3).