

1970 No. 373

SEA FISHERIES

LANDING AND SALE OF SEA FISH

The Hake (Regulation of Landing) Order 1970

<i>Made</i> - - - -	10th March 1970
<i>Laid before Parliament</i>	18th March 1970
<i>Coming into Operation</i>	19th March 1970

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland) in exercise of the powers conferred upon them by sections 6 and 15 of the Sea Fish (Conservation) Act 1967(a) as the latter section is amended by section 22(1) of, and paragraph 38 of Part II of Schedule 1 to, the Sea Fisheries Act 1968(b) and of all other powers enabling them in that behalf, and after consultation with the Board of Trade, hereby make the following Order :—

Citation and Commencement

1. This Order may be cited as the Hake (Regulation of Landing) Order 1970 and shall come into operation on 19th March 1970.

Interpretation

2.—(1) In this Order :—

“ the specified period ” means, in relation to the year 1970 the period from the date of coming into operation of this Order until 31st March and in relation to the years 1971 and 1972, the period from 1st January to 31st March, all dates inclusive.

“ the specified waters ” means those waters of the Northwest Atlantic Ocean which are bounded by the parallels of 39°50'N and 40°20'N and the meridians of 69°00'W and 71°40'W.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Prohibition on Landing

3. Except as hereinafter provided, the landing in the United Kingdom from British-owned vessels of sea fish of the following descriptions, that is to say, red hake (*Urophycis chuss*) and silver hake (*Merluccius bilinearis*) being fish caught in the specified waters during the specified period (hereinafter called “ regulated fish ”), is hereby prohibited.

 (a) 1967 c. 84.

(b) 1968 c. 77.

(c) 1889 c. 63.

Exception from the Prohibition on Landing

4. There shall be excepted from the prohibition imposed by Article 3 of this Order the landing of regulated fish by a fishing boat if in relation to such fish so landed the following conditions are complied with :—

- (i) such regulated fish were caught by the boat in the course of fishing for sea fish of any description other than red hake (*Urophycis chuss*) and silver hake (*Merluccius bilinearis*) ; and
- (ii) such regulated fish so caught are comprised in a catch the whole or part of which was taken in the specified waters and do not exceed in weight one-tenth of the total weight of the catch or, if only part of the catch was taken in the specified waters, that part.

Powers of British Sea-Fishery Officers

5. For the purpose of enforcing the provisions of this Order a British sea-fishery officer may exercise in relation to any British fishing boat registered in the United Kingdom and any British owned fishing boat (not so registered) wherever it may be, any of the following powers :

- (1) 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 ;
- (2) 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 of enforcing the provisions of this Order 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 documents relating to the boat or the persons on board which are in his custody or possession and may take copies of any such document.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th March 1970.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 5th March 1970.

(L.S.)

William Ross,
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department on 10th March 1970.

James Callaghan,
Secretary of State for the Home Department.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits the landing in the United Kingdom from British-owned vessels of hake caught in a specified area of the Northwest Atlantic during the period 1st January to 31st March for 1971 and 1972, and the period from the coming into operation of the Order until 31st March 1970. It excepts from the prohibition the landing by a fishing boat of such hake caught whilst fishing for any other species of fish provided the hake do not exceed 10 per cent. of the total weight of the catch (or that part of the catch) taken in the specified area.

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