
 S T A T U T O R Y I N S T R U M E N T S

1978 No. 946

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Fishing Nets (North-East Atlantic) (Variation) Order 1978

<i>Made</i>	- - -	<i>7th July 1978</i>
<i>Laid before Parliament</i>		<i>10th July 1978</i>
<i>Coming into Operation</i>		<i>11th July 1978</i>

The Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with sea fishing in Scotland and Northern Ireland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 3 and 15 of the Sea Fish (Conservation) Act 1967(a) (as section 15 is amended by section 22(1) of, and paragraph 38 of Schedule 1 to, the Sea Fisheries Act 1968(b) and as sections 3 and 15 are amended by section 9(1) of, and paragraph 16(1) of Schedule 2 to, the Fishery Limits Act 1976(c) and now vested in them by article 2(3) of the Transfer of Functions (Wales) (No. 1) Order 1978(d), and of all their other enabling powers, hereby make the following order:—

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Fishing Nets (North-East Atlantic) (Variation) Order 1978, and shall come into operation on 11th July 1978.

(2) In this order, “the principal order” means the Fishing Nets (North-East Atlantic) Order 1977(e).

(3) The Interpretation Act 1889(f) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(a) 1967 c. 84.	(b) 1968 c. 77.	(c) 1976 c. 86.	(d) S.I. 1978/272.
(e) S.I. 1977/440.	(f) 1889 c. 63.		

Variation of Principal Order

2.—(1) The principal order shall be varied in accordance with the following provisions of this article.

(2) In article 2(1) (interpretation), there shall be inserted, after the definition of “net”, the following definition:—

“ ‘Strengthening bag’ means a piece of netting fastened around the cod-end of a net for the purpose of strengthening the net during fishing, and whilst the net is being lifted on board the vessel; ”.

(3) In article 6 (defences)—

(a) there shall be substituted, for the proviso at the end of paragraph (3), the following proviso:—

“provided that the defences in paragraphs (a) to (c) above shall not apply if the catch on board after sorting or below deck includes a quantity of sea fish of a description specified in Schedule 3 to this order which exceeds 10% of the total weight of the catch, or 10% of a sample of at least 100 kg taken from any part thereof by a British Sea Fishery Officer.”; and

(b) for the words commencing with the word “determined” in the proviso at the end of paragraph (4), there shall be substituted the words “, or 10% of a sample of at least 100 kg taken from any part thereof by a British Sea Fishery Officer.”.

(4) In article 7(1) (attachments to nets), for the words commencing with the words “any net” to the end of the paragraph, there shall be substituted the words “any net which has in any of its parts any mesh which is obstructed or diminished in effect by the use of any artifice, or by reason of having attached to it any canvas, netting or other material.”.

(5) In article 8 (exceptions)—

(a) there shall be inserted in paragraph (a), after the word “tear”, the words “, and which is fastened to the cod-end only along the forward and lateral edges of such canvas, netting or other material; ”;

(b) for the words “piece of netting” on each occasion on which they occur in paragraph (b) there shall be substituted the words “strengthening bag”; and

(c) there shall be substituted for paragraph (c)(i) the following subparagraph:—

“(i) the net to which the chafer is attached is used for the purpose of fishing for sea fish in waters north of the area dividing line, or is a net to which Article 6(3) or (4) above applies.”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th July 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Bruce Millan,
Secretary of State for Scotland.

6th July 1978.

Roy Mason,
Secretary of State for Northern Ireland.

6th July 1978.

John Morris,
Secretary of State for Wales.

6th July 1978.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Fishing Nets (North-East Atlantic) Order 1977 by providing that, in those cases where a by-catch limit is fixed for fishing with small mesh nets, that limit is reduced from 20% to 10% of the catch. No by-catch limit will now apply where such nets are being used for nephrops fishing in accordance with the order. The amount of the by-catch in any case may be determined either on the basis of 10% of the total weight of the catch, or by reference to a sample of at least 100 kg taken by a British Sea Fishery Officer.

Additionally, the Order makes minor amendments to the provisions of the 1977 Order relating to those attachments which may be fixed to nets during fishing operations.

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