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STATUTORY INSTRUMENTS

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**1989 No. 537**

**The Cod (Specified Sea Areas)  
(Prohibition of Fishing) (No. 2) Order 1989**

**Title, commencement, duration and interpretation**

1.—(1) This Order may be cited as the Cod (Specified Sea Areas) (Prohibition of Fishing) (No. 2) Order 1989, shall come into force on 24th March 1989 and shall cease to have effect on 1st July 1989.

(2) In this Order—

“sea area” means a statistical sub-area or division of the International Council for the Exploration of the sea<sup>(1)</sup> or the area known as CECAF Division 34.1.1 (EC Zone) described in the Schedule hereto;

“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.

**Prohibition**

2. Fishing for cod (*Gadus morhua*)—

- (a) within any part of a sea area by any British fishing boat registered in the United Kingdom or the Isle of Man; or
- (b) within any part of a sea area which lies inside British fishery limits by any other British fishing boat, is prohibited.

**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 in relation to any British fishing boat anywhere the powers conferred by paragraphs (2) to (4) of this article.

(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) of this article 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(2) 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 subparagraph (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 offence 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 a 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.

## **Revocation**

- 4. The Cod (Specified Sea Areas) (Prohibition of Fishing) Order 1989(3) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th March 1989.

L.S.

*John MacGregor*  
Minister of Agriculture, Fisheries and Food

22nd March 1989

*Sanderson of Bowden*  
Minister of State, Scottish Office

19th March 1989

*Peter Walker*  
Secretary of State for Wales

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(2) Sub-section (6) was amended by section 22(2) of the Fisheries Act 1981. By virtue of sub-section (7), where sub-section (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 sub-section.

(3) S.I.1989/142.

20th March 1989

*Tom King*  
Secretary of State for Northern Ireland