
STATUTORY INSTRUMENTS

1990 No. 1014

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fish Licensing (Variation) (No. 2) Order 1990

<i>Made</i>	- - - -	<i>2nd May 1990</i>
<i>Laid before Parliament</i>		<i>3rd May 1990</i>
<i>Coming into force</i>	- -	<i>24th May 1990</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 4, 15(3), 20(1) 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 and commencement

1. This Order may be cited as the Sea Fish Licensing (Variation) (No. 2) Order 1990 and shall come into force on 24th May 1990.

Variation of the Sea Fish Licensing Order 1989

2. The Sea Fish Licensing Order 1989(2) shall be varied in accordance with articles 3 to 6 below.
3. In article 2 thereof (interpretation)—
 - (a) there shall be inserted after the definition of “mile” the following definition—

““Moroccan waters” means any waters which are under the sovereignty or jurisdiction of the Kingdom of Morocco;”;
 - (b) there shall be inserted at the end the following definition—

““United States' exclusive economic zone” means a zone contiguous to the territorial sea of the United States of America, the seaward boundary of which is a line drawn

(1) 1967 c. 84; section 4 was amended by the Fishery Limits Act 1976 (c. 86), section 3 and by the Fisheries Act 1981 (c. 29), section 20; section 15(3) was amended by the Sea Fisheries Act 1968 (c. 77), Schedule 1, paragraph 38(3) and by the Fishery Limits Act 1976, Schedule 2, paragraph 16(1); section 4 was applied in relation to British fishing boats registered in the Isle of Man and any of the Channel Islands by the Sea Fish (Conservation) (Manx Boats) Order 1978 (S.I. 1978/281) and the Sea Fish (Conservation) (Channel Islands Boats) Order 1978 (S.I. 1978/280); section 22(2)(a) which contains a definition of “the Ministers” for the purposes of sections 4 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

(2) S.I. 1989/2015, amended by S.I. 1990/504.

in such a manner that each point on it is 200 miles from the baseline from which the breadth of the territorial sea of the United States of America is measured.”.

4. In article 3 thereof (prohibition of fishing without a licence and exceptions thereto)—
 - (a) in paragraph (1) there shall be inserted after the words “sea fish” the words “(other than salmon or migratory trout)”;
 - (b) in paragraph (2)(b)(vi) there shall be substituted for the words from “adjacent to England” to the end the words “within a zone delimited by a line running due south from Landguard Point in 51°56' north latitude and 1°19,1' east longitude to 51°33' north latitude and thence due west to a point on the coast of England”;
 - (c) in paragraph (2) there shall be inserted at the end the following sub-paragraph—

“(c) by any boat used wholly for the purpose of conveying persons wishing to fish for pleasure with rod and line or by handline.”.
5. For Schedule 2 thereto (areas of sea and descriptions of sea fish in respect of which prohibition of fishing without licence applies) there shall be substituted the Schedule to this Order.
6. In Schedule 3 thereto (areas of sea and descriptions of sea fish caught therein to which retention on board provisions apply) there shall be omitted in column 1 the entry “ICES VIIa *(see note below)” and in column 2 the entry “Cod, plaice, whiting”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd April 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

24th April 1990

Sanderson of Bowden
Minister of State, Scottish Office

26th April 1990

Peter Walker
Secretary of State for Wales

2nd May 1990

Peter Brooke
Secretary of State for Northern Ireland

SCHEDULE

Article 5

CONTAINING NEW SCHEDULE 2 TO THE SEA FISH LICENSING ORDER 1989

“SCHEDULE 2

Article 3

AREAS OF SEA AND DESCRIPTIONS OF SEA FISH (OTHER THAN SALMON AND MIGRATORY TROUT) IN RESPECT OF WHICH PROHIBITION OF FISHING WITHOUT LICENCE APPLIES

<i>Column 1</i> <i>Area of sea</i>	<i>Column 2</i> <i>Description of sea fish</i>
CECAF Division 34.1.1. (EC Zone)	Cod (<i>Gadus morhua</i>), haddock (<i>Melanogrammus aeglefinus</i>), saithe (<i>Pollachius virens</i>)
Moroccan waters	All
ICES I	All
ICES IIa	All
ICES IIb	All
ICES IIIa	Mackerel (<i>Scomber scombrus</i>), saithe
ICES IIIb, c excluding third country waters	Mackerel, saithe
ICES IIId excluding third country waters	Mackerel, saithe
ICES IV	All
ICES Va	All
ICES Vb	All
ICES VI	All
ICES VIIa *(see note below)	All
ICES VIIb, c	All
ICES VIId	All
ICES VIIe *(see note below)	All
ICES VIIf to k	All
ICES VIII	All
ICES IX	Cod, haddock, saithe
ICES X	Cod, haddock, saithe
ICES XII	All
ICES XIV	All
NAFO sub-area 1	All

Note. Where an entry in column 1 of this Schedule is marked with an asterisk the following waters are excluded from the area of sea referred to in that entry— Waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man and the Channel Islands respectively is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines adjacent to the United Kingdom and France respectively.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>
<i>Area of sea</i>	<i>Description of sea fish</i>
NAFO sub-area 2	All
NAFO sub-area 3	All
United States' exclusive economic zone	All*

Note. Where an entry in column 1 of this Schedule is marked with an asterisk the following waters are excluded from the area of sea referred to in that entry— Waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man and the Channel Islands respectively is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines adjacent to the United Kingdom and France respectively.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the Sea Fish Licensing Order 1989, as varied, (“the principal Order”) which prohibits fishing, subject to exceptions, by British fishing boats in specified areas of sea for the principal species of sea fish, unless authorised by a licence.

This Order extends the scope of that prohibition to include fishing for all species of sea fish (other than salmon or migratory trout) in Moroccan waters, in Community waters of ICES Vb (Faroes Grounds), in ICES VI (Rockall and West of Scotland), in ICES VII (Irish Sea, West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel), in ICES VIII (Bay of Biscay) and in the United States' exclusive economic zone (articles 3, 4(a) and 5 and Schedule).

This Order excepts from the prohibition on fishing—

- (a) fishing by any boat used wholly for the purpose of conveying persons wishing to fish for pleasure with rod and line or by handline (article 4(c));
- (b) fishing for salmon or migratory trout (article 4(a)).

This Order removes the provision in the principal Order which permitted the retention on board a fishing boat of a quantity of cod, plaice and whiting not exceeding 10% by weight of the total catch of sea fish on board the boat, the fishing for which was for the time being prohibited, caught in ICES VIIa as a by-catch in the course of lawful fishing for another description of sea fish (article 6). In consequence, section 4(9A) of the Sea Fish (Conservation) Act 1967 requires such cod, plaice and whiting to be returned to the sea forthwith.

The Order also amends the definition of the Thames and Blackwater coastal area to accord with Council Regulation (EEC) No. 4047/89 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished (OJ No. L389, 30.12.89, p.1, at p.34) (article 4(b)).