
EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates with variations the Herring and White Fish (Specified Manx Waters) Licensing Order 1983, as varied, (“the 1983 Order”) which prohibited fishing for herring and for descriptions of white fish specified in the Order by British fishing boats within the twelve-mile belt around the Isle of Man but outside territorial waters without a licence. This Order extends the scope of that prohibition to include fishing for any sea fish (other than salmon or migratory trout) (article 3(1)). This Order extends to the United Kingdom and the Isle of Man (article 1(2)).

The prohibition on fishing in the 1983 Order did not apply to fishing for white fish by any boat whose length was not more than 10 metres. This Order widens that exemption to include any sea fish except herring, salmon and migratory trout and amends the definition of “length” to that calculated in accordance with the rules specified in Article 2(1) of Council Regulation (EEC) No. 2930/86 (OJ No. L274, 25.9.86, p. 1) (articles 2 and 3(2)(a)). This Order also makes two new exemptions to the prohibition on fishing (article 3(2)(b) and (c)).

This Order omits the provision in the 1983 Order which permitted the retention on board a fishing boat of a quantity of fish consisting of one or more of the following species, namely cod, plaice and whiting, the fishing for which was for the time being prohibited, when caught as a by-catch not exceeding ten per cent. by weight of sea fish on board the fishing boat in the course of lawful fishing for another description of sea fish. In consequence, section 4(9A) of the Sea Fish (Conservation) Act 1967 (which applies in the United Kingdom but not in the Isle of Man) requires such cod, plaice and whiting to be returned to the sea forthwith.

British sea-fishery officers are given enforcement powers in relation to boats to which the Order applies (article 4).

The Order revokes the 1983 Order together with the Orders which varied it (article 5).