
STATUTORY INSTRUMENTS

1992 No. 1881

**The Haddock (Specified Sea Areas)
(Prohibition of Fishing) Order 1992**

Title, commencement and interpretation

1.—(1) This Order may be cited as the Haddock (Specified Sea Areas) (Prohibition of Fishing) Order 1992 and shall come into force on 1st August 1992.

(2) In this Order—

“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;

“length” in relation to a boat, means the length calculated in accordance with the rules specified in Article 2(1) of Council Regulation (EEC) No 2930/86 defining characteristics for fishing vessels⁽¹⁾;

“sea area” means a statistical sub-area or division of the International Council for the Exploration of the Sea⁽²⁾ specified in the Schedule hereto.

Prohibition and exception

2.—(1) Subject to paragraphs (2) and (3) below, fishing for haddock (*Melanogrammus aeglefinus*)—

(a) by any British fishing boat registered in the United Kingdom within any part of a sea area;
or

(b) by any other British fishing boat within any part of a sea area which lies within British fishery limits

is prohibited during the period beginning with the date of coming into force of this Order and ending immediately before 1st January 1993.

(2) The prohibition in paragraph (1) above shall not apply to any boat whose length exceeds 10 metres, except in the case of any boat used wholly for the purpose of conveying persons wishing to fish for pleasure with rod and line or by handline.

(3) The prohibition in paragraph (1)(a) above shall not apply to fishing within that part of the sea area, ICES Statistical Division IIa (Norwegian Sea) which lies outside British fishery limits.

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 the powers conferred by paragraphs (2) to (4) below—

(a) anywhere in relation to any British fishing boat registered in the United Kingdom, and

(b) in any waters adjacent to the United Kingdom and within British fishery limits in relation to any other British fishing boat.

(1) O.J. No. L274, 25.9.86, p.1.

(2) Cmnd. 2586.

(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) above 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((3)) 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 sub-paragraph (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 contravention 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.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th July 1992.

L.S.

20th July 1992

John Gummer
Minister of Agriculture, Fisheries and Food

(3) Subsection (6) was amended by section 22(2) of the Fisheries Act 1981. By virtue of subsection (7), where subsection (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 subsection.

20th July 1992

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

20th July 1992

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

22nd July 1992

Michael Mates
Minister of State, Northern Ireland Office