
STATUTORY INSTRUMENTS

1993 No. 1887

SEA FISHERIES

CONSERVATION OF SEA FISH

The Norway Lobsters (Prohibition
of Method of Fishing) Order 1993

<i>Made</i>	- - - -	<i>23rd July 1993</i>
<i>Laid before Parliament</i>		<i>26th July 1993</i>
<i>Coming into force</i>	- -	<i>22nd August 1993</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 5(1), 15(3) 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 Norway Lobsters (Prohibition of Method of Fishing) Order 1993 and shall come into force on 22nd August 1993.

Interpretation

2.—(1) In this Order—

“British fishing boat” means a fishing boat which is registered in the United Kingdom;

“the Fladen Ground” means the waters bounded by a line beginning at a point in 57° 30' north latitude, 01° 00' west longitude; thence due north to 58° 00' north latitude, 01° 00' west longitude; thence due west to 58° 00' north latitude, 02° 00' west longitude; thence due north to 59° 00' north latitude, 02° 00' west longitude; thence due east to 59° 00' north latitude, 01° 00' west longitude; thence due north to 62° north latitude, 01° 00' west longitude; thence due east to the median line between the baselines from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured and the baselines from which the breadth of the territorial sea adjacent to Norway is measured;

(1) 1967 c. 84; section 5(1) was substituted by section 22(1) of the Fisheries Act 1981 (c. 29); section 15(3) was substituted by paragraph 38(3) of Schedule 1 to the Sea Fisheries Act 1968 (c. 77) and amended by paragraph 16(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86); section 22(2)(a) which contains a definition of “the Ministers” for the purposes of sections 5 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b)

thence in a southerly direction following that median line to 570° 30' north latitude; thence in a westerly direction to the point of beginning;

“ICES” followed by a roman numeral with or without a letter shall be construed as a reference to whichever of the statistical sub-areas and divisions of the International Council for the Exploration of the Sea(2) described in the Schedule hereto is identified therein by that roman numeral or that roman numeral and letter as the case may be;

“protected species” has the same meaning as in Article 2(1) of Council Regulation (EEC) No.3094/86 laying down certain technical measures for the conservation of fishery resources(3), and references in that Article to Annex II mean Annex II as amended by Council Regulation (EEC) No.2024/88(4), Council Regulation (EEC) No. 4056/89(5) and Council Regulation (EEC) No.345/92(6).

(2) For the purposes of this Order a boat shall be deemed to have been fishing for Norway lobsters (*Nephrops norvegicus*) if the catch retained on board that boat includes at least 30% by weight Norway lobsters and not more than 60% by weight protected species.

(3) Where detached Norway lobster tails are retained on board a boat, the equivalent weight of the whole Norway lobsters shall be taken into account for the purpose of paragraph (2) above, and that equivalent weight shall be obtained by multiplying the weight of the tails by 3.

Prohibition of method of fishing

3.—(1) Subject to paragraph (2) below, fishing for Norway lobsters anywhere, except on the Fladen Ground, by any British fishing boat with any trawl other than a single trawl is prohibited.

(2) Paragraph (1) above shall not apply—

- (a) to any beam trawler;
- (b) to fishing with a trawl having a minimum mesh size of not less than 100 millimetres—
 - (i) in ICES IIa south of 64° north latitude and east of 4° west longitude (Norwegian Sea),
 - (ii) in ICES IV (North Sea), or
 - (iii) in ICES VI north of a line drawn westwards from the east coast of the Sound of Jura at 56° north latitude (Rockall and West of Scotland);
- (c) to fishing with a trawl having a minimum mesh size of not less than 80 millimetres—
 - (i) in ICES VI south of a line drawn westwards from the east coast of the Sound of Jura at 56° north latitude (Rockall and West of Scotland), or
 - (ii) in ICES VII (Irish Sea, West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel).

Measurement of mesh size of trawls

4.—(1) Subject to paragraph (2) below, for the purposes of this Order the mesh size of a trawl shall be measured in accordance with the provisions of Commission Regulation (EEC) No.2108/84 laying down detailed rules for determining the mesh size of fishing nets(5).

(2) In the case of square mesh the method set out in Articles 2(1) and 4 of the Commission Regulation referred to in paragraph (1) above shall not be used and instead the net shall be stretched in the direction of each diagonal of the mesh and the measurement shall be taken of each stretched

(2) Cmnd. 2586.

(3) OJ No. L288, 11.10.86, p.1.

(4) OJ No. L179, 9.7.88, p.1.

(5) OJ No. L389, 30.12.89, p.75.

(6) OJ No. L42, 18.2.92, p. 15.

(5) OJ No. L389, 30.12.89, p.75.

diagonal, and the size of the mesh shall be taken to be the average of those two measurements, each such measurement being the width of the gauge at the point where the gauge is stopped, when using the gauge in accordance with Article 2(2) and (3) of that Regulation.

Powers of British sea-fishery officers in relation to fishing boats

5.—(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 anywhere in relation to any British fishing boat.

(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(7) 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.

(7) 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.

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

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd July 1993.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

22nd July 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

23rd July 1993

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

22nd July 1993

Patrick Mayhew
Secretary of State for Northern Ireland

SCHEDULE

Article 2(1)

STATISTICAL SUB-AREAS AND DIVISIONS OF THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA

ICES Statistical Division IIa (Norwegian Sea)

The waters bounded by a line beginning at a point on the coast of Norway in 62° 00' north latitude; thence due west to 4° 00' west longitude; thence due north to 63° 00' north latitude; thence due west to 11° 00' west longitude; thence due north to 73° 30' north latitude; thence due east to 30° 00' east longitude; thence due south to 72° 00' north latitude; thence due west to 26° 00' east longitude; thence due south to the coast of Norway; thence in a westerly and south-westerly direction along the coast of Norway to the point of beginning.

ICES Statistical Sub-Area IV (North Sea)

The waters bounded by a line beginning at a point on the coast of Norway in 62° 00' north latitude; thence due west to 4° 00' west longitude; thence due south to the coast of Scotland; thence in an easterly and southerly direction along the coasts of Scotland and England to a point in 51° 00' north latitude; thence due east to the coast of France; thence in a north-easterly direction along the coasts of France, Belgium, the Netherlands and the Federal Republic of Germany to the western terminus of its boundary with Denmark; thence along the west coast of Jutland to Thyboron; thence in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; thence across the eastern entrance of the Limfjord to Hals; thence in a westerly direction along the north coast of Limfjord to the southernmost point of Agger Tange; thence in a northerly direction along the west coast of Jutland to a point in 57° 00' north latitude; thence due west to 8° 00' east longitude; thence due north to 57° 30' north latitude; thence due west to 7° 00' east longitude; thence due north to the coast of Norway; thence in a north-westerly direction along the coast of Norway to the point of beginning.

ICES Statistical Sub-Area VI (Rockall and West of Scotland)

The waters bounded by a line beginning at a point on the north coast of Scotland in 4° 00' west longitude; thence due north to 60° 30' north latitude; thence due west to 5° 00' west longitude; thence due south to 60° 00' north latitude; thence due west to 18° 00' west longitude; thence due south to 54° 30' north latitude; thence due east to the coast of the Republic of Ireland; thence in a northerly and easterly direction along the coasts of the Republic of Ireland and of Northern Ireland to a point on the east coast of Northern Ireland in 55° 00' north latitude; thence due east to the coast of Scotland; thence in a northerly direction along the west coast of Scotland to the point of beginning.

ICES Statistical Sub-Area VII (Irish Sea, West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel)

The waters bounded by a line beginning at a point on the west coast of the Republic of Ireland in 54° 30' north latitude; thence due west to 18° 00' west longitude; thence due south to 48° 00' north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to a point in 51° 00' north latitude; thence due west to the south-east coast of England; thence in a westerly and northerly direction along the coasts of England, Wales and Scotland to a point on the west coast of Scotland in 55° 00' north latitude; thence due west to the coast of Northern Ireland; thence in a northerly and westerly direction along the coasts of Northern Ireland and the Republic of Ireland to the point of beginning.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits, subject to exceptions, fishing for Norway lobsters (*Nephrops norvegicus*) anywhere, except on the Fladen Ground, by British fishing boats registered in the United Kingdom with any trawl other than a single trawl (article 3). “The Fladen Ground” is defined in article 2(1). The median line referred to in that definition is depicted on Admiralty Chart Q6353 which is published by the Hydrographic Office, Taunton, Somerset, TA1 2DN.

The prohibition does not apply to beam trawlers or to fishing with a trawl having a specified minimum mesh size in certain areas (article 3(2)). The Order specifies how the mesh size of trawls is to be measured (article 4).

British sea-fishery officers are given certain enforcement powers for the purpose of the enforcement of the Order (article 5).

Offences are prescribed by sections 5(1) and (6) of the Sea Fish (Conservation) Act 1967 and penalties by section 11 of that Act, as amended by section 24(1) of the Fisheries Act 1981 (c. 29).