
STATUTORY INSTRUMENTS

1998 No. 1195

SEA FISHERIES

CONSERVATION OF SEA FISH

**The Cod (Specified Sea Areas)
(Prohibition of Fishing) Order 1998**

<i>Made</i>	- - - -	<i>8th May 1998</i>
<i>Laid before Parliament</i>		<i>11th May 1998</i>
<i>Coming into force</i>	- -	<i>12th May 1998</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, commencement and interpretation

1.—(1) This Order may be cited as the Cod (Specified Sea Areas) (Prohibition of Fishing) Order 1998 and shall come into force on 12th May 1998.

(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(2) as amended(3); “sea area” means a statistical division or sub-area of the International Council for the Exploration of the Sea(4) specified in the Schedule hereto.

Prohibition and Exception

2.—(1) Subject to paragraph (2) below, fishing—

(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).

(2) OJ No. L274, 25.9.86, p.1.

(3) There are no amendments relevant to this definition.

(4) Cmnd. 2586.

- (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⁽⁵⁾

for cod (*Gadus morhua*) in sea areas ICES Statistical Divisions VIIb, c, d, e, f, g, h, j and k is prohibited during the period beginning with the date of coming into force of this Order and ending immediately before 1st January 1999.

(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 when used for the purpose of conveying persons wishing to fish for pleasure.

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 water adjacent to the United Kingdom and within British fishery limits in relation to any other 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⁽⁶⁾ 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—

⁽⁵⁾ See section 1(1) of the Fishery Limits Act 1976 (c. 86).

⁽⁶⁾ 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.

(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 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.

6th May 1998

Elliot Morley
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

8th May 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

7th May 1998

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

7th May 1998

Dubs
Parliamentary Under Secretary of State for
Northern Ireland

SCHEDULE

Article 1(2)

SEA AREAS IN RESPECT OF WHICH PROHIBITION OF FISHING APPLIES

ICES Statistical Division VIIIb (West of Ireland)

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 12°00' west longitude; thence due south to 52°30' north latitude; thence due east to the coast of the Republic of Ireland; thence in a northerly direction along the west coast of the Republic of Ireland to the point of beginning.

ICES Statistical Division VIIIc (Porcupine Bank)

The waters bounded by a line running from a point 54°30' north latitude and 12°00' west longitude; thence due west to 18°00' west longitude; thence due south to 52°30' north latitude; thence due east to 12°00' west longitude; thence in a northerly direction to the point of beginning.

ICES Statistical Division VIId (Eastern English Channel)

The waters bounded by a line beginning at a point on the west coast of France in 51°00' north latitude; thence due west to the coast of England; thence in a westerly direction along the south coast of England to 2°00' west longitude; thence in a southerly direction to the coast of France at Cape de la Hague; thence in a north-easterly direction along the coast of France to the point of beginning.

ICES Statistical Division VIIe (Western English Channel)

The waters bounded by a line beginning on the south coast of England in 2°00' west longitude; thence in a southerly and westerly direction along the coast of England to a point on the south-west coast in 50°00' north latitude; thence due west to 7°00' west longitude; thence due south to 49°30' north latitude; thence due east to 5°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 Cape de la Hague; thence in a northerly direction to the point of beginning.

ICES Statistical Division VIIf (Bristol Channel)

The water bounded by a line beginning at a point on the south coast of Wales in 5°00' west longitude; thence due south to 51°00' north latitude; thence due west to 6°00' west longitude; thence due south to 50°30' north latitude; thence due west to 7°00' west longitude; thence due south to 50°00' north latitude; thence due east to the coast of England; thence along the south-west coast of England and the south coast of Wales to the point of beginning.

ICES Statistical Division VIIg (South-east of Ireland)

The waters bounded by a line beginning at a point on the west coast of Wales at latitude 52°00' north latitude; thence due west to the south coast of the Republic of Ireland; thence in a south-westerly direction along the coast of the Republic of Ireland to a point in 9°00' west longitude; thence due south to 50°00' north latitude; thence due east to 7°00' west longitude; thence due north to 50°30' north latitude; thence due east to 6°00' west longitude; thence due north to 51°00' north latitude; thence due east to 5°00' west longitude; thence due north to the south coast of Wales; thence in a north-westerly direction along the coast of Wales to the point of beginning.

ICES Statistical Division VIIh (Little Sole Bank)

The waters bounded by a line beginning at a point in 50°00' north latitude and 7°00' west longitude; thence due west to 9°00' west longitude; thence due south to 48°00' north latitude; thence due east to 5°00' west longitude; thence due north to 49°30' north latitude; thence due west to 7°00' west longitude; thence due north to the point of beginning.

ICES Statistical Division VIIj (Great Sole Bank)

The waters bounded by a line beginning at a point 52°30' north latitude on the west coast of the Republic of Ireland; thence due west to 12°00' west longitude; thence due south to 48°00' north latitude; thence due east to 9°00' west longitude; thence due north to the south coast of the Republic of Ireland; thence in a westerly and northerly direction along the coast of the Republic of Ireland to the point of beginning.

ICES Statistical Division VIIk (West of Great Sole Bank)

The water bounded by a line beginning at a point in 52°30' north latitude and 12°00' west longitude; thence due west to 18°00' west longitude; thence due south to 48°00' north latitude; thence due east to 12°00' west longitude; thence due north to the point of beginning.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits fishing for cod in sea areas ICES Statistical Divisions VIIb, c, d, e, f, g, h, j and k by any British fishing boat which does not exceed 10 metres in length or which is used wholly for the purpose of conveying persons wishing to fish for pleasure (article 2).

The prohibitions of fishing set out above shall apply—

- (a) within any part of a sea area specified in the Schedule to the Order if the boat is registered in the United Kingdom, or
- (b) within any part of such a sea area which lies within British fishery limits if the boat is registered in the Isle of Man or any of the Channel Islands or, not being registered, is British-owned,

during the period beginning with the date of coming into force of the Order and ending immediately before 1st January 1999 (article 2).

By virtue of section 5(6) of the Sea Fish (Conservation) Act 1967 (as amended by section 22(2) of the Fisheries Act 1981), where, in the course of any fishing operations conducted in any of the above-mentioned sea areas, fish caught in contravention of this Order are taken aboard a boat to which this Order applies, those fish shall (subject to section 9 of that Act) be returned to the sea forthwith.

British sea-fishery officers are given certain enforcement powers for the purpose of the enforcement of the Order (article 3).