
STATUTORY INSTRUMENTS

1998 No. 2867

SEA FISHERIES

CONSERVATION OF SEA FISH

The Herring (Specified Sea Areas)
(Prohibition of Fishing) Order 1998

Made - - - - *18th November 1998*
Laid before Parliament *20th November 1998*
Coming into force - - *15th December 1998*

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 Herring (Specified Sea Areas) (Prohibition of Fishing) Order 1998 and shall come into force on 15th December 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;

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

Prohibition

2. Fishing—

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

(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) Cmnd. 2586.

- (b) by any other British fishing boat within any part of a sea area which lies within British fishery limits⁽³⁾

for herring (*Clupea harengus*) in sea areas ICES Statistical Divisions IVa and b is prohibited during the period beginning with the date of coming into force of this Order and ending immediately before 1st January 1999.

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.

(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⁽⁴⁾ 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;

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

(4) 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.

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.

16th November 1998 *Elliot Morley*
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

17th November 1998 *Sewel*
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

18th November 1998 *Jon Owen Jones*
Parliamentary Under Secretary of State, Welsh
Office

14th November 1998 *Dubs*
Parliamentary Under Secretary of State for
Northern Ireland

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SCHEDULE

Article 1(2)

SEA AREAS IN RESPECT OF WHICH PROHIBITION OF FISHING APPLIES

ICES Statistical Division IVa (commonly known as the northern 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 coast of Scotland to a point in 57°30' north latitude; thence due east 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 Division IVb (commonly known as the central North Sea)

The waters bounded by a line beginning at a point on the west coast of Denmark 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 the coast of Scotland; thence in a southerly direction along the coasts of Scotland and England to a point in 53°30' north latitude; thence due east to the coast of the Federal Republic of Germany; thence in a north-easterly direction along the coast of the Federal Republic of Germany to the western terminus of its boundary with Denmark; thence along the west coast of Jutland to Thyboren; 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 the Limfjord to the southernmost point of Agger Tange; thence in a northerly direction along the west coast of Jutland to the point of beginning.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits fishing for herring in sea areas ICES Statistical Divisions IVa and b by any British fishing boat (article 2).

The prohibition of fishing set out above shall apply—

- (a) within any part of the sea areas specified in the Schedule to the Order if the boat is registered in the United Kingdom, or
- (b) within any part of the sea areas 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 the above-mentioned sea areas, fish caught in contravention of this Order are taken on board 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).

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