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STATUTORY INSTRUMENTS

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**2003 No. 1559**

**The Prohibition of Fishing with Multiple Trawls Order 2003**

**Title, commencement and extent**

1.—(1) This order may be cited as the Prohibition of Fishing with Multiple Trawls Order 2003 and shall come into force on 7th July 2003.

(2) Subject to paragraph (3), this Order shall not form part of the law of Scotland or Northern Ireland.

(3) Nothing in paragraph (2) shall be treated as prejudicing the effect in Scotland or Northern Ireland of section 14 of the Act<sup>(1)</sup> in relation to, or for purposes incidental to, any provision of this Order which creates an offence.

**Interpretation**

2.—(1) In this Order—

“the Act” means the Sea Fish (Conservation) Act 1967;

“the Fladen area” means the waters of the Scottish zone bounded by a line beginning from a point on the north coast of Scotland at 04° 00′ west longitude; thence due north to a point on the outer limit of the Scottish zone; thence in a north easterly direction along that outer limit to 62° 30′ north latitude; thence due east to a point on the outer limit of the Scottish zone; thence in a south easterly direction along that outer limit to 57° 30′ north latitude; thence due west to a point on the east coast of Scotland; and thence in a northerly and westerly direction following that coast to the point of beginning;

“beam trawler” means a fishing boat which, in so far as it carries or uses nets, carries or uses only nets which are designed to be towed along the sea-bed and which have their mouth extended by a beam, bar or other rigid device;

“equivalent Order” means any order made under section 5 of the Act creating a prohibition similar to the one in article 3 of this Order and extending or applying to any part of the United Kingdom;

“ICES” followed by a roman numeral and a description shall be construed as a reference to the statistical sub-area of the International Council for the Exploration of the Sea with the same numeral and description identified in the Schedule to this Order;

“net” means a trawl, Danish Seine or similar towed net, all of which have the same meaning as in Council Regulation (EC) No. 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms<sup>(2)</sup> as last amended by Council Regulation (EC) No. 973/2001<sup>(3)</sup>;

“Northern Ireland fishing boat” means a vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995<sup>(4)</sup> and whose entry in the register specifies a port in Northern Ireland as the port to which the vessel is to be treated as belonging;

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(1) Section 14 was substituted by Fisheries Act 1981 (c. 29), s. 29.

(2) OJ No. L125, 27.4.1998, p. 1.

(3) OJ No. L137, 19.5.2001, p. 1.

(4) 1995 c. 21.

“Northern Ireland zone” means the sea within British fishery limits which is adjacent to Northern Ireland;

“relevant British fishing boat” does not include a Northern Ireland fishing boat; and

“single trawl” means a single net towed by a two warp rig in which the net has a single bosom groundrope (the bosom being the central portion of the trawl between the lower wings), where the groundrope is attached to the towing rig at each wing-end only, and does not have any further attachment, including bridles, wires or ropes, connecting it to the towing rig.

(2) In this Order—

- (a) the term “within relevant British fishery limits” does not include—
- (i) the Northern Ireland zone;
  - (ii) the territorial sea adjacent to Wales;
  - (iii) the territorial sea adjacent to the Isle of Man;
  - (iv) the territorial sea adjacent to the Bailiwick of Jersey; and
  - (v) seas within British fishery limits adjacent to Guernsey, as defined by section 8 of the Fishery Limits Act 1976<sup>(5)</sup> as extended to Guernsey;
- (b) any reference to any relevant British fishing boat “wherever it may be” does not include such a fishing boat while in the territorial sea adjacent to Wales.

### **Prohibition of method of fishing**

3.—(1) Subject to paragraph (2), fishing for sea fish—

- (a) by any relevant British fishing boat wherever it may be; or
- (b) by any Scottish fishing boat or Northern Ireland fishing boat within relevant British fishery limits,

with any net other than a single trawl is prohibited.

(2) Paragraph (1) shall not apply—

- (a) to any beam trawler;
- (b) to fishing with a net having a mesh size of not less than 80 millimetres—
  - (i) in the Fladen area;
  - (ii) in ICES VI (Rockall and West of Scotland) south of a line drawn westwards from the east coast of the Sound of Jura at 56° north latitude;
  - (iii) in ICES VII (Irish Sea, West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel); or
  - (iv) in ICES IV (North Sea) south of a line drawn eastwards from the east coast of England at 53° north latitude; or
- (c) to fishing with any net having a mesh size of 95 millimetres or more.

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

4.—(1) For the purpose of the enforcement of this Order or any equivalent Order, a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) of this article in relation to—

- (a) any relevant British fishing boat wherever it may be; and

(5) 1976 c. 86; see also paragraph 3(c) of the Schedule to the Fishery Limits Act (Guernsey) Order 1989 (S.I.1989/2407).

(b) any Scottish fishing boat or Northern Ireland fishing boat which is within relevant British fishery limits.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and may require the boat to stop and do anything else which will facilitate either the boarding of, or the disembarkation from, 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 appear to him to be necessary for the purpose mentioned in paragraph (1) 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;
- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 5 of the Act as read with this Order or any equivalent 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 the officer has reason to suspect that such an offence has been committed, may take copies of and 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 this offence;

but nothing in sub-paragraph (d) 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 or any equivalent order has at any time taken place, the officer may—

- (a) require the master of the boat in relation to which the contravention took place to take, or 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.

## **Revocation**

5. The Prohibition of Fishing with Multiple Trawls Order 2001(6) is revoked, except insofar as it forms part of the law of Northern Ireland.

9th June 2003

*Elliot Morley*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

11th June 2003

*Paul Murphy*  
Secretary of State for Northern Ireland