

2015 No. 441

SEA FISHERIES, ENGLAND

BOATS AND METHODS OF FISHING

LANDING AND SALE OF SEA FISH

The Salmon and Migratory Trout (Prohibition of Fishing and Landing) (England) Order 2015

<i>Made</i> - - - -	<i>27th February 2015</i>
<i>Laid before Parliament</i>	<i>3rd March 2015</i>
<i>Coming into force</i> - -	<i>25th March 2015</i>

The Secretary of State has consulted the Secretary of State for Business, Innovation and Skills^(a) in accordance with section 6(1) of the Sea Fish (Conservation) Act 1967^(b), and makes the following Order in exercise of the powers conferred by sections 5(1) and (2) and 6(1), (2) and (3) of that Act^(c), and by section 14A of the Interpretation Act 1978^(d).

Title, commencement, extent and application

1. This Order—

- (a) may be cited as the Salmon and Migratory Trout (Prohibition of Fishing and Landing) (England) Order 2015;
- (b) comes into force on 25th March 2015; and
- (c) extends to England and Wales but, subject to article 3, applies only in relation to England.

Interpretation

2. In this Order—

“exclusive fishery limits” means the waters surrounding England and Wales to a distance of six miles from the baselines from which the territorial sea is measured;

“landing” in relation to salmon and migratory trout means the first landing of those fish after catching and “land” is to be construed accordingly;

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- (a) The functions of the Board of Trade under section 6(1) have been transferred to the Secretary of State for Business, Innovation and Skills by virtue of S.I. 1970/1537, articles 2(1) and 7(4), and paragraph 10 of Schedule 2; S.I. 1974/692, article 2(1), and Part 3 of Schedule 1; S.I. 1983/1127, article 2(1); S.I. 2007/3224, article 11; and S.I. 2009/2748, article 4(1).
 - (b) 1967 c. 84. Section 6(1) was amended by article 4 of, and paragraph 43(1) and (6)(a) of Schedule 2 to, S.I. 1999/1820.
 - (c) Section 5(1) was amended by section 22(1) of the Fisheries Act 1981 (c. 29). Subsection (1) was further amended by section 198(1) and (2) of the Marine and Coastal Access Act 2009 (c. 23). Subsection (2) was further amended by section 201 of, and paragraphs 3(1) and (2) of Schedule 15 to, the Marine and Coastal Access Act 2009.
 - (d) 1978 c. 30.

“specified method” means a method of fishing with drift net or other gill net, trawl net, seine net, troll net or long-line, but does not include beach seining or fishing from the shore by net and coble; and for this purpose—

“drift net” means any length of net which is—

- (i) allowed to float or drift,
- (ii) either attached to or released from a fishing boat, and
- (iii) not attached to or held on the shore; and

“gill net” means any length of net designed for the purpose of catching fish, by enmeshing them;

“the Mouth of the River Tweed” means the estuary limits of the River Tweed as set out in article 3(4) of the Scotland Act 1998 (River Tweed) Order 2006(a);

“North-East Atlantic waters” means the waters described in Part 1 of Schedule 1 to this Order;

“North-West Atlantic waters” means the waters described in Part 2 of Schedule 1 to this Order;

“the Northern Ireland zone” means the sea within that part of the exclusive economic zone(b) which is adjacent to Northern Ireland; and

“the Scottish zone” means the sea within that part of the exclusive economic zone which is adjacent to Scotland.

Prohibition of fishing

3.—(1) Subject to paragraph (2), fishing for salmon or migratory trout within the following areas is prohibited—

- (a) the North-East Atlantic waters; and
- (b) the exclusive economic zone from the boundary of the Scottish zone in the east in a clockwise direction around the English coastline to the boundary of the Scottish zone in the west.

(2) Subject to paragraph (3), paragraph (1)(b) does not apply to fishing in—

- (a) the exclusive fishery limits;
- (b) the southern seaward sector of the Tweed district, being the area described in section 2(6) of the Scotland Act 1998 (River Tweed) Order 2006;
- (c) the area of sea within the exclusive economic zone lying west of the meridian of longitude 3 degrees west and north of the parallel of latitude 54 degrees 30’ north up to the boundary with the Scottish zone;
- (d) the area of sea within the exclusive economic zone lying east of the meridian of longitude 3 degrees west and south from the boundary with the Scottish zone to the southern boundary of the Mouth of the River Tweed and south of a line drawn due east from the eastern-most point of that boundary;
- (e) the waters within the Northern Ireland zone; and
- (f) the waters adjacent to Wales, specified as falling within the Welsh zone (within the meaning of section 158(1) of the Government of Wales Act 2006(c) by an Order in Council under section 58 of the Government of Wales Act 2006(d) or an order under section 158(3) of that Act.

(a) S.I. 2006/2913.

(b) The Exclusive Economic Zone Order 2013 (S.I. 2013/3161) designates the area of the exclusive economic zone.

(c) 2006 c. 32.

(d) 2006 c. 32. Section 58 was amended by section 43(4) of, and paragraph 6(1) and (3)(a), (b) and (c) of Schedule 4 to, the Marine and Coastal Access Act 2009 (c. 23). Section 158(3) was substituted by section 43(1) and (3) of the Marine and Coastal Access Act 2009.

(3) Fishing by a specified method for salmon or migratory trout within the area described in paragraph (2)(c) or (d) of this article is prohibited.

Prohibition of landings

4. Landing of any of the following fish in England is prohibited—

- (a) salmon caught in North-West Atlantic waters;
- (b) salmon and migratory trout caught in North-East Atlantic waters;
- (c) salmon and migratory trout caught by a specified method in the areas described in Schedule 2 to this Order;
- (d) subject to article 5, salmon and migratory trout caught in the waters described in Part 1 or 2 of Schedule 3 to this Order.

Exemption from prohibitions on landings

5. Notwithstanding article 4(d), it is lawful to land in England salmon and migratory trout caught—

- (a) in waters which are—
 - (i) within so much of the exclusive fishery limits adjacent to England and Wales as are included in Part 1 of Schedule 3 to this Order; or
 - (ii) waters described in Part 2 of Schedule 3 to this Order; and
- (b) in the course of fishing under the authority of, and in accordance with—
 - (i) the conditions of a licence, authorisation or consent granted in respect of fishing for salmon and migratory trout in waters referred to in paragraph (a) by the Environment Agency or the Natural Resources Body for Wales; and
 - (ii) any byelaws made by them.

Review

6.—(1) The Secretary of State must, from time to time—

- (a) carry out a review of articles 3, 4 and 5;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory scheme established by articles 3, 4 and 5;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate, and if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this article must be published before the end of the period of five years beginning with the day on which this Order comes into force.

(4) Reports under this article are afterwards to be published at intervals not exceeding five years.

Revocations

7. The following are revoked—

<i>Orders revoked</i>	<i>References</i>
The Salmon and Migratory Trout (Restrictions on Landing) Order 1972	S.I. 1972/1966 ⁽¹⁾
The Salmon and Migratory Trout (Prohibition on Fishing)	S.I. 1973/188 ⁽²⁾

Order 1972	
The Salmon and Migratory Trout (North-East Atlantic)	S.I. 1973/189 ⁽³⁾
Order 1972	
The Salmon and Migratory Trout (Prohibition of Fishing)	S.I. 1973/207 ⁽⁴⁾
(No. 2) Order 1972	
The Salmon and Migratory Trout (Enforcement) Order 1973	S.I. 1973/210
The Salmon and Migratory Trout (Restrictions on Landing)	S.I. 1975/639
Amendment Order 1975	
The Salmon and Migratory Trout (Prohibition of Fishing)	S.I. 1975/844
Amendment Order 1975	
The Salmon and Migratory Trout (Restrictions on Landing	S.I. 1983/58
(Variation) Order 1983	
The Salmon and Migratory Trout (Prohibition of Fishing)	S.I. 1983/59
(Variation) Order 1983	
The Salmon and Migratory Trout (Prohibition of Fishing)	S.I. 1983/60
(Variation No. 2) Order 1983	

⁽¹⁾ as amended by S.I. 1975/639, S.I. 1983/58, S.I. 2013/755.

⁽²⁾ as amended by S.I. 1983/59.

⁽³⁾ as amended by S.I. 1983/59.

⁽⁴⁾ as amended by S.I. 1975/844 and S.I. 1983/60.

27th February 2015

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Article 2

North-East Atlantic Waters and North-West Atlantic Waters

PART 1

North-East Atlantic Waters

Those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie outside the exclusive economic zone—

- (a) north of 36 degrees north latitude, between 42 degrees west longitude and 51 degrees east longitude; and
- (b) north of 59 degrees north latitude between 44 degrees west longitude and 42 degrees west longitude;
- (c) but excluding—
- (d) the Mediterranean Sea; and
- (e) the Baltic Seas and Belts lying to the south and east of lines drawn—
 - (i) from Hasenore Head, Denmark, to Griben Point, Denmark;
 - (ii) from Korshage, Denmark, to Spodsbjerg, Denmark; and
 - (iii) from Gilbjerg Head, Denmark, to Kullen, Sweden.

PART 2

North-West Atlantic Waters

All waters, except territorial waters(a), bounded by a line drawn as follows—

- (f) beginning at a point on the coast of Rhode Island in 71 degrees 40' west longitude;
- (g) from there, due south to 39 degrees 00' north latitude;
- (h) from there, due east to 42 degrees 00' west longitude;
- (i) from there, due north to 59 degrees 00' north latitude;
- (j) from there, due west 44 degrees 00' west longitude;
- (k) from there, due north to the coast of Greenland;
- (l) from there, along the west coast of Greenland to 78 degrees 10' north latitude;
- (m) from there, southwards to a point in 75 degrees 00' north latitude and 73 degrees 30' west longitude;
- (n) from there, along a rhumb/line to a point in 69 degrees 00' north latitude and 59 degrees 00' west longitude;
- (o) from there, due south to 61 degrees 00' north latitude;
- (p) from there, due west to 64 degrees 30' west longitude;
- (q) from there, due south to the coast of Labrador;
- (r) from there, in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec;
- (s) from there, in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia and Cape Breton Island to Cabot Strait;
- (t) from there, along the coast of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts and Rhode Island to the point of beginning.

SCHEDULE 2

Article 4(c)

Prohibition on landing salmon and migratory trout caught by a specified method in certain waters: relevant waters

The following areas of sea within the exclusive economic zone—

- (a) the area lying west of the meridian of longitude 3 degrees west and north of the parallel of latitude 54 degrees 30' north, excluding—
 - (i) the waters within so much of the exclusive fishery limits as are adjacent to England but not nearer to any point on the coast of Scotland than to any point on the coast of England;
 - (ii) the waters within so much of the exclusive economic zone as is within the Northern Ireland zone; and
- (b) the area lying east of the meridian of longitude 3 degrees west and north of the southern boundary of the mouth of the River Tweed and of a line drawn due east from the easternmost point of that boundary.

(a) The breadth of the territorial sea is designated by section 1(1)(a) of the Territorial Sea Act 1987 (c. 49) and the Territorial Sea (Limits) Order 1989 (S.I. 1989/482) as amended by S.I. 2013/3164.

Prohibition on landing salmon and migratory trout caught in certain waters: relevant waters

PART 1

The area of sea contained within a line drawn as follows—

- (a) from the coast of England along the southern boundary of the mouth of the River Tweed to the eastmost point of that boundary;
- (b) from there, due east to the intersection with the boundary of the exclusive economic zone;
- (c) from there, along that boundary in a clockwise direction along the coast of England and Wales to the intersection with the parallel of latitude 54 degrees 30' north in the Irish Sea; and
- (d) from there, eastwards along that parallel until it meets the coast of England.

PART 2

The area of sea within the exclusive economic zone—

- (a) lying west of the meridian of longitude 3 degrees west and north of the parallel of latitude 54 degrees 30' north; and
- (b) within so much of the exclusive fishery limits as are adjacent to England but not nearer to any point on the coast of Scotland than to any point on the coast of England.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the instruments listed in article 7, to the extent that they apply in relation to England, and consolidates their provisions. With the exception of the Salmon and Migratory Trout (Enforcement) Order 1973(a), this Order does not alter the effect of those instruments. The provisions of the Salmon and Migratory Trout (Enforcement) Order 1973 are not replicated in this Order because the enforcement of the provisions consolidated in this Order is now carried out by the Marine Management Organisation and not by British sea-fishery officers.

Article 3 sets out the waters in which fishing for salmon or migratory trout is prohibited. These are the waters around England and the North-East Atlantic waters. Contravention of the prohibition is an offence under section 5(1) of the Sea Fish (Conservation) Act 1967(b).

Article 4 prohibits the landing in England of salmon or migratory trout caught in the waters around the United Kingdom, or caught by a specified method in certain waters. Article 5 provides an exception to the prohibition in article 4(d). Contravention of the prohibition is an offence under section 6(5) of the Sea Fish (Conservation) Act 1967.

No impact assessment has been produced in respect of this Order as no, or no significant, impact on the costs of the private, voluntary or public sectors is foreseen. The Explanatory Memorandum is available at www.legislation.gov.uk.

(a) S.I. 1973/210.

(b) 1967 c. 84.

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