1981 No. 297

FISHERIES

Herring (Restriction of Fishing) Regulations (Northern Ireland) 1981

Made . . . . . *4th September 1981*

Coming into operation . . . *7th September 1981*

The Department(**a**) of Agriculture, in exercise of the powers conferred on it by sections 124(1) and 124(2) of the Fisheries Act (Northern Ireland) 1966(**b**) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Herring (Restriction of Fishing) Regulations (Northern Ireland) 1981 and shall come into operation on 7th September 1981.

Interpretation

2. In these regulations—

"British fishery limits" has the same meaning as in the Fishery Limits Act 1976(**c**);

"herring" means fish of the species *Clupea harengus*;

"registered length" in relation to a sea-fishing boat means the length as calculated for the purpose of registration under the Merchant Shipping Acts 1894 to 1970(**d**).

Restriction of fishing

3. Except as provided in regulation 4 fishing for herring shall be prohibited in the area of sea described in the Schedule.

4. Between 7th September 1981 and 23rd October 1981, both dates inclusive, a drift net which does not have any mesh smaller than 54 millimetres may be used in or from a sea-fishing boat of under 40 feet registered length based at a port on the coast of County Down for the purpose of catching herring in the area of sea described in the Schedule.

Determination of mesh size

5. In determining whether a mesh is smaller or larger than the size specified in regulation 4, the mesh shall be stretched diagonally lengthwise of the net and shall be measured by pushing through it a flat gauge 2 millimetres thick and of a width corresponding to the size specified. If the mesh does not allow such gauge to pass easily through it (whether the net is wet or dry), it shall be deemed to be smaller than the size specified, and if it does allow the gauge so to pass, it shall be deemed to be larger than the size specified.

(**a**) Formerly Ministry: *see* Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)
(**b**) 1966 c.17 (N.I.): new section 124 substituted — *see* Art. 6 of S.I. 1981/227 (N.I.7)
(**c**) 1976 c.86
(**d**) 1894 c.60, 1964 c.47, 1970 c.36

Revocation

6. The Herring (Prohibition of Fishing) (No. 2) Regulations (Northern Ireland) 1980(**a**) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 4th September 1981.

(L.S.) *N. E. Morrison*
Assistant Secretary

(**a**) S.R. 1980 No. 443

SCHEDULE

That part of the waters within British fishery limits which are adjacent to Northern Ireland lying between 55° 00′N and a line running due south-east from the Haulbowline Rocks at approximately 54° 00′N and which is not more than 12 miles from the Northern Irish baselines.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations prohibit from 7th September 1981 fishing for herring in an area off the Northern Ireland coast with an exception for the use, between 7th September 1981 and 23rd October 1981, both dates inclusive, of drift nets of minimum stretched mesh of 54 millimetres from sea-fishing boats of under 40 feet registered length based at County Down ports.

The area is within British fishery limits adjacent to Northern Ireland bounded to the north by the parallel of 55° North latitude, to the south by a line running south-east from the Haulbowline Rocks (approximately 54° North latitude) and extends to 12 miles from the baselines from which the breadth of the territorial sea is measured or out to the median line with Scotland where this line is less than 12 miles from the baselines.

The regulations revoke the Herring (Prohibition of Fishing) (No. 2) Regulations (Northern Ireland) 1980 (S.R. 1980 No. 443) which prohibited herring fishing by any means in waters within British fishery limits adjacent to Northern Ireland between 55°N and a line running south-east from the Haulbowline Rocks (approximately 54°N) and extending from the coast out to 12 miles from baselines or out to the median line with Scotland where this was less than 12 miles from the baselines.

In the case of herring caught within the specified area in contravention of the regulations, the prohibition on bringing to land, landing, sale or offering or exposing for sale of these fish prescribed in section 126 of the Fisheries Act (Northern Ireland) 1966 (as amended by the Fisheries Amendment (Northern Ireland) Order 1981) has effect.

A person who contravenes these regulations or who brings to land, lands, or sells herring caught in contravention of them is guilty of an offence for which a penalty is prescribed by sections 124 and 126 of the Fisheries Act (Northern Ireland) 1966 (as amended). The penalty is a fine on summary conviction not exceeding £1,000. If the regulations are contravened in the case of a sea-fishing boat the master and the owner or, if appropriate, the charterer are each guilty of an offence for which the penalty is a fine on summary conviction not exceeding £1,000 as also prescribed by section 124 of the Act.