STATUTORY INSTRUMENTS

# 1964 No. 1603

# SEA FISHERIES

## BOATS AND METHODS OF FISHING

## The Sea-Fishing Industry (Nets on British and Foreign Fishing Boats) Order 1964

*Made - - - - 29th September* 1964

* *To be laid before Parliament*

*Coming into Operation 1st November* 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by sections 3 and 8 of the Sea-Fishing Industry Act 1933(a) (as amended by section 38 of the Sea Fish Industry Act 1938(b), section 1 of the White Fish and Herring Industries Act 1948(c), section 5 of the Sea Fish Industry Act 1959(d) and section 3(3) of and Schedule 1 to the Fishery Limits Act 1964(e)) and of all other powers enabling them in that behalf hereby make the following Order:—

*Citation and Commencement*

**1.** This Order may be cited as the Sea-Fishing Industry (Nets on British and Foreign Fishing Boats) Order 1964, and shall come into operation on 1st November 1964.

*Interpretation*

**2.**—(1) In this Order

" the area dividing line " means a line drawn west from the meridian of 51 degrees east longitude along the parallel of 66 degrees north latitude to the meridian of 10 degrees west longitude, thence south to the parallel of 62 degrees north latitude, thence west to the meridian of 28 degrees west longitude, thence south to the parallel of 59 degrees north latitude and thence west to the meridian of 44 degrees west longitude;

" British Sea-Fishery Officer " means any person who is for the time being a British Sea-Fishery Officer by virtue of section 11(2) of the Sea Fisheries Act 1883(f), as amended or extended by or under any subsequent enactment;

" fishery limits of the British Islands " and " foreign fishing boat " have the meanings respectively assigned to them by the Fishery Limits Act 1964;

" fishing boat " means a vessel of whatever size and in whatever way propelled which is for the time being employed in sea-fishing or in the sea-fishing service;

" the Irish Sea " means the area bounded on the north by the parallel of 54 degrees 38 minutes north latitude, on the east by the western coasts of

* This Instrument was laid before Parliament on 27th October 1964.

(a) 23 & 24 Geo. 5. c. 45. (b) 1 & 2 Geo. 6. c. 30. (c) 11 & 12 Geo. 6. c. 51.
(d) 8 & 9 Eliz. 2. c. 7. (e) 1964 c. 72. (f) 46 & 47 Vict. c. 22.

England and Wales, on the south by the parallel of 51 degrees north latitude and on the west by the meridian of 7 degrees west longitude and the eastern coasts of the Republic of Ireland and Northern Ireland;

"net" means any net constructed to take fish whilst being towed or hauled.

(2) The Interpretation Act 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

*Revocation of Previous Orders*

**3.** The Sea-Fishing Industry (Fishing Nets) Order 1964(b) is hereby revoked.

*Areas in relation to which this Order has application*

**4.** This Order has application in relation to those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie north of the parallel of 48 degrees north latitude and between the meridians of 44 degrees west longitude and 51 degrees east longitude, but excluding the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head, Denmark, to Gniben Point, Denmark, from Korshage, Denmark, to Spodsbierg, Denmark and from Gilbierg Head, Denmark, to Kullen, Sweden.

*Sizes of Mesh of Nets*

**5.**—(1) Except as hereinafter provided, there shall not be carried, in any British fishing boat registered in the United Kingdom, for the purpose of fishing for sea-fish in any of the waters referred to in the first column of schedule 1 to this Order (being waters within the areas referred to in Article 4 of this Order), any net or part of a net of a type specified in the second column of schedule 1 opposite the reference to the said waters, unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick and of a width specified in the third column of schedule 1 opposite the reference to the type of net in the second column will pass easily through the mesh whether the net is wet or dry.

(2) Except as hereinafter provided, there shall not be carried, in any foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom, for the purpose of fishing for sea-fish in any waters, any net or part of a net of a type specified in the first column of schedule 2 to this Order unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick and of a width specified in the second column of schedule 2 opposite the reference to the type of net in the first column of schedule 2 will pass easily through the mesh whether the net is wet or dry.

*Obstruction of Meshes of Nets*

**6.**—(1) Except as hereinafter provided in this Article, no person shall use any net in such a manner as to obstruct or in effect to diminish the mesh in any part of the net, and no person shall cover any net or any part thereof with canvas or any other material, or use any other artifice, for the purpose of evading the restrictions imposed by this Order.

(2) Nothing in this Article shall be deemed to prohibit the attachment to the underside of the cod-end of a net of any canvas, netting or other material for the purpose of preventing or reducing wear and tear.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1964/421 (1964 I, p. 702).

(3) During the period from the day when this Order comes into operation to 31st December 1965 (both days inclusive) nothing in this Article shall be deemed to prohibit the attachment of a piece of netting rectangular in shape to the upperside of the cod-end of a net (not being a seine net) carried by a British fishing boat registered in the United Kingdom for the purpose of fishing for sea-fish in any waters situated north of the area dividing line so long as the piece of netting has in all its parts meshes the dimensions of which, whether the piece of netting is wet or dry, are not less than those of the net to which is is attached: Provided that

(*a*) the piece of netting shall in width be at least one-and-a-half times the width of the part of the cod-end which is covered by it, such widths being measured at right angles to the long axis of the cod-end, and

(*b*) the piece of netting shall not be fastened to the cod-end except along the forward and lateral edges of the piece of netting and shall be so fastened that

(i) if there is a splitting strop, the piece of netting begins at a distance of not more than four of the meshes of the net to which it is attached forward of the splitting strop and ends at a distance of not less than four of such meshes forward of the cod-line mesh, or

(ii) if there is no splitting strop, the piece of netting extends for not more than one-third of the length of the cod-end and ends at a distance of not less than four of the meshes of the net to which it is attached forward of the cod-line mesh.

*Exceptions*

**7.** In any proceedings in respect of a contravention of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate was being carried solely for the purpose of fishing for Nephrops norvegicus (commonly known as Norway lobster or Dublin Bay prawn) in the Irish Sea, where none of the sea-fish taken in the course of the voyage, on which the net to which the proceedings relate was carried, was landed at a place in the United Kingdom other than one bordering upon the Irish Sea.

**8.** In any proceedings in respect of a contravention of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate was being carried solely for the purpose of fishing for mackerel, clupeoid fish, sand-eels (Ammodytes), Norway pout (Gadus esmarkii, smelts, eels, great weevers (Trachinus draco), shrimps, prawns, or molluscs (other than squids) either

(*a*) in waters of the areas in relation to which the Order has effect north of the area dividing line, or to the south and west respectively of the following lines, that is to say, a line drawn due west from the Mull of Galloway along the parallel of 54 degrees 38 minutes north latitude to the meridian of 42 degrees west longitude and a line drawn from France to England along the meridian of 2 degrees west longitude, or

(*b*) in any other waters of the areas in relation to which this Order has effect, and that the net had in its cod-end in all the parts thereof meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 50 millimetres broad and 2 millimetres thick would not pass easily through it whether the net was wet or dry.

*Powers of British Sea-Fishery Officers*

**9.** For the purpose of enforcing the provisions of this Order a British Sea-Fishery Officer may:—

(1) with respect to any British fishing boat registered in the United Kingdom wherever it may be and with respect to any foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom,

(*a*) go on board the boat;

(*b*) examine all fishing implements belonging to the boat;

(*c*) make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Order has been committed;

(2) with respect only to a foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom, when it appears to him that a contravention of the provisions of this Order has been committed, may without summons, warrant or other process take the offender and the boat to which he belongs to the nearest or most convenient port and bring him before a competent court and detain him and the boat in the port until the alleged contravention has been adjudicated upon.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th September 1964.

(L.S.)

*Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 28th September 1964.

(L.S.)

*Michael Noble,*
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department on 29th September 1964.

*Henry Brooke,*
Secretary of State for the Home Department.

## SCHEDULE 1

| Column 1 | Column 2 | Column 3 |
|---|---|---|
| Waters | Net | Appropriate width of gauge |
| Waters of the areas in relation to which this Order has effect north of the area dividing line | Seine net ... ... ... | 100 millimetres |
| | Such part of any trawl net as is made of cotton, hemp, polyamide fibres or polyester fibres | 110 millimetres |
| | Such part of any trawl net as is made of any other material... | 120 millimetres |
| All other waters of the areas in relation to which this Order has effect | Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal ... ... ... | 70 millimetres |
| | Such part of any trawl net as is made of double twine and contains no manila or sisal ... | 75 millimetres |
| | Such part of any trawl net as is made of manila or sisal ... | 80 millimetres |

## SCHEDULE 2

| Column 1 | Column 2 |
|---|---|
| Net | Appropriate width of gauge |
| Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal ... | 70 millimetres |
| Such part of any trawl net as is made of double twine and contains no manila or sisal ... ... ... | 75 millimetres |
| Such part of any trawl net as is made of manila or sisal ... ... ... ... ... ... | 80 millimetres |

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order supersedes the Sea-Fishing Industry (Fishing Nets) Order 1964. It prescribes minimum sizes of mesh for the fishing nets carried by registered British fishing boats in areas specified in the Order and by foreign fishing boats within the fishery limits of the British Islands adjacent to the United Kingdom. The obstruction of the meshes of such nets is prohibited, exceptions being made for underside cod-end chafers and, for a limited period, for topside cod-end chafers in northern waters.

Nets used for fishing for such species as herring and shrimps may have a mesh smaller than the minimum prescribed for other purposes.

The area of the waters in the north for which minimum sizes of mesh are prescribed is extended.

The Order gives British Sea-Fishery Officers powers to enable them to enforce its provisions.

STATUTORY INSTRUMENTS

# 1964 No. 1605 (C. 21) (S. 102)

# LEGAL AID AND ADVICE, SCOTLAND

## The Legal Aid Act 1964 (Commencement) (Scotland) Order 1964

*Made - - - - 25th September* 1964

In exercise of the powers conferred upon me by section 6(2) of the Legal Aid Act 1964(a), I hereby make the following order:—

**1.** This order may be cited as the Legal Aid Act 1964 (Commencement) (Scotland) Order 1964.

**2.** The Legal Aid Act 1964 shall, in its application to Scotland, come into operation on 1st October 1964.

*Michael Noble,*
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

25th September 1964.

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EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This order brings into operation, on 1st October 1964, the Legal Aid Act 1964 in its application to Scotland.

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(a) 1964 c. 30.