STATUTORY INSTRUMENTS

1965 No. 2131

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Sea-Fishing Industry (Nets on British and Foreign Fishing Boats) Order 1965

Made - - - -	16*th December* 1965
Laid before Parliament	30*th December* 1965
Coming into Operation	1*st January* 1966

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 section 3 as read with section 8(1) of the Sea-Fishing Industry Act 1933(a) and 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 1965, and shall come into operation on 1st January 1966.

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 ;

(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.

" 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 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 (Nets on British and Foreign Fishing Boats) 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 36 degrees north latitude, between the meridians of 42 degrees west longitude and 51 degrees east longitude and north of 59 degrees north latitude and between 44 degrees west longitude and 42 degrees west longitude (but excluding the Mediterranean and Baltic Seas 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 that type of net 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 that type of net will pass easily through the mesh whether the net is wet or dry.

Attachments to Nets

6.—(1) Except as hereinafter provided, no person shall use any device by means of which the mesh in any part of a fishing net is obstructed or otherwise in effect diminished.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1964/1603 (1964 III, p.3587).

(2) Nothing in this Order 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.

7. During the period from the day when this Order comes into operation to 31st December 1968 (both days inclusive) nothing in this Order shall be deemed to prohibit the attachment 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 whereof the meshes in all its parts are of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 110 millimetres broad and two millimetres thick will pass easily through it whether the net is wet or dry, of either:—

(A) a piece of netting rectangular in shape having 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 meshes of the net to which it is attached: provided that:—

(i) 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

(ii) 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

(*a*) if there is a splitting strop, the piece of netting begins at a distance of not more than four of the meshes 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

(*b*) 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;

or (B) pieces of netting having in all their parts meshes the dimensions of which, whether the pieces of netting are wet or dry, are not less than those of the meshes of the net to which they are attached: provided that:—

(i) each piece of netting

(*a*) is fastened by its forward edge only across the cod-end at right angles to its long axis;

(*b*) is of a width of at least the width of the cod-end (such width being measured at right angles to the long axis of the cod-end at the point of attachment), and

(*c*) is not more than ten meshes long; and

(ii) the aggregate lengths of all the pieces of netting so attached does not exceed two-thirds of the length of the cod-end.

Exceptions

8. In any proceedings in respect of a contravention of Article 5(1) 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 in waters situated north of the area dividing line for mackerel, clupeoid fish,

sand-eels (Ammodytes), Norway pout (Gadus esmarkii), smelts, eels, great weevers (Trachinus draco), shrimps, prawns or molluscs other than squids.

9. In any proceedings in respect of a contravention of Article 5(1) of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate had in no part of its cod-end meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 50 mm. broad and 2 mm. thick would pass easily through it whether the net was wet or dry, and that it was being carried solely for the purpose of fishing:—

(*a*) for mackerel, clupeoid fish, sand-eels (Ammodytes), Norway pout (Gadus esmarkii), smelts, eels, great weevers (Trachinus draco), shrimps, prawns or molluscs other than squids, or

(*b*) for Nephrops norvegicus (commonly known as Norway lobster or Dublin Bay prawn) in the Irish Sea, and that 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, or was to be landed, at a place other than one bordering upon the Irish Sea.

10. In any proceedings in respect of a contravention of Article 5(1) of this Order occurring before 1st January 1969 it shall be a sufficient defence to prove that the net to which the proceedings relate:—

(*a*) was carried solely in that part of the Irish Sea which lies between the parallels of 53 degrees and 54 degrees 30 minutes north latitude and west of the meridian of 5 degrees 15 minutes west longitude for the purpose of fishing for whiting ;

(*b*) was carried on a fishing boat operating from and landing its catch at a port or place bordering upon the said part of the Irish Sea, and

(*c*) had in all its parts meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 60 mm. broad and 2 mm. thick would pass easily through it whether the net was wet or dry.

11. In any proceedings in respect of a contravention of Article 5(2) of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate had in no part of its cod-end meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 50 mm. broad and 2 mm. thick would pass easily through it whether the net was wet or dry, and that it 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, nephrops or molluscs.

Powers of British Sea-Fishery Officers

12. 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 15th December 1965.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 16th December 1965.

(L.S.)

William Ross,
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department on 16th December 1965.

Frank Soskice,
Secretary of State for the Home Department.

SCHEDULE 1

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

This Order supersedes the Sea-Fishing Industry (Nets on British and Foreign Fishing Boats) Order 1964. It prescribes minimum sizes of mesh for the fishing nets carried by registered British fishing boats for fishing in areas specified in the Order and by foreign fishing boats within the fishery limits of the British Islands adjacent to the United Kingdom.

This Order, while continuing the general prohibition of obstruction of meshes of nets, authorises a new type of top-side cod-end chafer ; and alters the conditions governing the use of small mesh nets for fishing for certain species ; these species now include whiting in part of the Irish Sea.

The area in which the Order has effect is extended southwards.