STATUTORY INSTRUMENTS

1971 No. 242

SEA FISHERIES

BOATS AND METHODS OF FISHING

The Salmon and Migratory Trout (Prohibition of Fishing) Order 1971

Made - - - -	21*st January* 1971
Laid before Parliament	28*th January* 1971
Coming into Operation	15*th February* 1971

The Minister of Agriculture, Fisheries and Food, and the Secretary of State for Scotland and the Secretary of State for 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 on them by section 5(1) and (2) of the Sea Fish (Conservation) Act 1967(**a**) 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 Salmon and Migratory Trout (Prohibition of Fishing) Order 1971 and shall come into operation on 15th February 1971.

Interpretation

2.—(1) In this order—

"mouth of the River Tweed" means the area as defined by the Tweed Fisheries Amendment Act 1859(**b**) as amended by byelaw dated 10th August 1863 contained in Schedule A to the Salmon Fisheries (Scotland) Act 1868(**c**).

(2) The Interpretation Act 1889(**d**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

3. During the period 15th February 1971 to 14th February 1973, both days inclusive, fishing for salmon or migratory trout within the area of sea specified in Part I of the Schedule to this Order (being part of the area to which the North-East Atlantic Fisheries Convention(**e**) applies) is hereby prohibited.

4.—(1) During the period from 15th February 1971 to 14th February 1973, both days inclusive, fishing for salmon or migratory trout by a specified method within the area of sea specified in Part II of the said Schedule is hereby prohibited.

(a) 1967 c. 84. (b) 1859 c. lxx. (c) 1868 c. 123. (d) 1889 c. 63. (e) Cmnd. 2190.

(2) In this Article—

"specified method" means a method of fishing with drift-net, trawl net, seine net, troll or long-line, but does not include beach seining or fishing from the shore by net and coble;

"drift-net" means any length of net allowed to float or drift being either attached to or released from a fishing boat and not being a length of net attached to or held on the shore.

5. In accordance with the provisions of section 5(3) of the Sea Fish (Conservation) Act 1967 it is hereby declared that this order is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in section 5(1) of that Act.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st January 1971.

(L.S.) *J. M. L. Prior,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 20th January 1971.

(L.S.) *Gordon Campbell,*
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 21st January 1971.

R. Maudling,
Secretary of State for the Home Department

SCHEDULE

PART I

Those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie outside the fishery limits of the British Islands, north of 36° north latitude, between 42° west longitude and 51° east longitude and north of 59° north latitude between 44° west longitude and 42° 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.

PART II

Those areas of sea within the fishery limits of the British Islands lying north of 54° 30′ north latitude excluding—

(*a*) the territorial waters of England except in so far as they lie within the mouth of the River Tweed;

(*b*) waters, other than territorial waters mentioned in sub-paragraph (a) of this paragraph, lying on the east coast of England south of the southern boundary of the mouth of the River Tweed and of a line drawn due east from the eastmost point of that boundary;

(*c*) waters within such part of the fishery limits of the British Islands as is mentioned in section 4(2) of the Fishery Limits Act 1964(a).

(a) 1964 c. 72.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made under the powers contained in Section 5 of the Sea Fish (Conservation) Act 1967—

(i) prohibits fishing for salmon or migratory trout in the whole of the North-East Atlantic Fisheries Convention area, outside the fishery limits of the British Islands ; and

(ii) prohibits fishing for salmon or migratory trout by drift-net, trawl net, seine net, troll or long-line, but not beach seining or fishing from the shore by net and coble, in a specified area off the coast of Scotland and the Tweed, inside the fishery limits of the British Islands.

In each case the period of prohibition extends from 15th February 1971 to 14th February 1973, both days inclusive.

By virtue of section 5(8) of the Act, the prohibition referred to at (i) above applies to all British fishing boats registered in the United Kingdom and to fishing boats which are British owned but not registered under the Merchant Shipping Act 1894 ; the prohibition at (ii) applies to all fishing boats, including foreign vessels.