STATUTORY INSTRUMENTS

1986 No. 1936

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sole (Irish Sea and Sole Bank) (Prohibition of Fishing) Order 1986

Made - - -	13*th November* 1986
Laid before Parliament	14*th November* 1986
Coming into Operation	15*th November* 1986

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 51(1) and 15(3) of the Sea Fish (Conservation) Act 1967(a), and of all other powers enabling them in that behalf, hereby make the following order:—

Title, commencement, duration and interpretation

1.— (1) This order may be cited as the Sole (Irish Sea and Sole Bank) (Prohibition of Fishing) Order 1986, shall come into operation on 15th November 1986 and shall cease to have effect on 1st January 1987.

(2) In this order "ICES VII" followed by a letter shall be construed as a reference to whichever of the statistical divisions of statistical sub-area VII of the International Council for the Exploration of the Sea(b) described in the Schedule to this order is identified therein by that letter.

Prohibition

2. Fishing for sole (*Solea solea*)—

(a) by any British fishing boat registered in the United Kingdom or the Isle of Man within any part of—

(i) ICES VIIa (*Irish Sea*);

(a) 1967 c. 84; section 5(1) was substituted by section 22(1) of the Fisheries Act 1981 (c. 29) and, by virtue of S.I. 1973/238, section 5 applies in relation to British fishing boats registered in the Isle of Man as it applies in relation to British fishing boats registered in the United Kingdom; section 15(3) was substituted by paragraph 38(3) of Schedule 1 to the Sea Fisheries Act 1968 (c. 77) and amended by paragraph 16(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86); section 22(2)(*a*) which contains a definition of "the Ministers" for the purposes of sections 5 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(*d*) and 45(*b*).

(b) Cmnd. 2586.

(ii) ICES VIIh (*Little Sole Bank*);

(iii) ICES VIIj (*Great Sole Bank*);

(iv) ICES VIIk (*West of Great Sole Bank*); or

(b) by any British fishing boat registered in any of the Channel Islands within any part of those statistical divisions which lies inside British fishery limits

is prohibited.

Powers of British sea-fishery officers in relation to fishing boats

3.— (1) For the purpose of the enforcement of this order a British sea-fishery officer may exercise in relation to any British fishing boat anywhere the powers conferred by paragraphs (2) to (4) of this article.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) of this article and, in particular—

(a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;

(b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;

(c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 5(1) or (6) of the Sea Fish (Conservation) Act 1967(**a**) as read with this order, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search; and

(d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in subparagraph (*d*) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a contravention of this order has at any time taken place within British fishery limits, he may—

(**a**) Sub-section (6) was amended by section 22(2) of the Fisheries Act 1981.

(a) require the master of the boat in relation to which the offence took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and

(b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th November 1986.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

John J. Mackay,
Parliamentary Under-Secretary of State,
Scottish Office.

13th November 1986.

Nicholas Edwards,
Secretary of State for Wales.

13th November 1986.

Tom King,
Secretary of State for Northern Ireland.

13th November 1986.

SCHEDULE Article 1(2)

STATISTICAL DIVISIONS OF THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA

ICES Statistical Division VIIa (Irish Sea)

The waters bounded by a line beginning at a point on the west coast of Scotland in 55°00′ north latitude; thence due west to the coast of Northern Ireland; thence in a southerly direction along the coasts of Northern Ireland and Ireland to a point on the south-east coast of the Republic of Ireland in 52°00′ north latitude; thence due east to the coast of Wales; thence in a north-easterly and northerly direction along the coasts of Wales, England and Scotland to the point of beginning.

ICES Statistical Division VIIh (Little Sole Bank)

The waters bounded by a line beginning at a point in 50°00′ north latitude, 7°00′ west longitude; thence due west to 9°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to 5°00′ west longitude; thence due north to 49°30′ north latitude; thence due west to 7°00′ west longitude; thence due north to the point of beginning.

ICES Statistical Division VIIj (Great Sole Bank)

The waters bounded by a line beginning at a point in 52°30′ north latitude on the west coast of the Republic of Ireland; thence due west to 12°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to 9°00′ west longitude; thence due north to the south coast of the Republic of Ireland; thence in a westerly and northerly direction along the coast of the Republic of Ireland to the point of beginning.

ICES Statistical Division VIIk (West of Great Sole Bank)

The waters bounded by a line beginning at a point in 52°30′ north latitude, 12°00′ west longitude; thence due west to 18°00′ west longitude; thence due south to 48°00′ north latitude; thence due east to 12°00′ west longitude; thence due north to the point of beginning.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order prohibits fishing for sole (*Solea solea*)—

(a) by any British fishing boat registered in the United Kingdom or the Isle of Man within any part of ICES VIIa (*Irish Sea*), ICES VIIh (*Little Sole Bank*), ICES VIIj (*Great Sole Bank*) and ICES VIIk (*West of Great Sole Bank*); or

(b) by any British fishing boat registered in any of the Channel Islands within any part of those statistical divisions which lies inside British fishery limits (article 2).

By virtue of section 5(6) of the Sea Fish (Conservation) Act 1967 (as amended by section 22(2) of the Fisheries Act 1981), where, in the course of any fishing operations conducted in any of the above-mentioned ICES statistical divisions, sole are taken on board a boat to which this order applies, those fish shall (subject to section 9 of that Act) be returned to the sea forthwith.

British sea-fishery officers are given enforcement powers in relation to boats to which the order applies (Article 3).

The order ceases to have effect on 1st January 1987.