STATUTORY INSTRUMENTS

1986 No. 2060

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sole (Specified Sea Areas) (Prohibition of Fishing) Order 1986

Made - - - - -	28*th November* 1986
Laid before Parliament	28*th November* 1986
Coming into Operation	29*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 5(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 (Specified Sea Areas) (Prohibition of Fishing) Order 1986, shall come into operation on 29th November 1986 and shall cease to have effect on 1st January 1987.

(2) In this order "sea area" means a statistical sub-area or division of the International Council for the Exploration of the Sea**(b)** described in the Schedule hereto.

Prohibition

2.—(1) Subject to paragraph (2) below, 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 a sea area; or

(*b*) by any British fishing boat registered in any of the Channel Islands within any part of a sea area which lies inside British fishery limits

is prohibited.

(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.

(2) The prohibition in paragraph (1)(*a*) above shall not apply to fishing within that part of the sea area ICES Vb (*Faroes Grounds*) which lies outside British fishery limits.

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*) 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

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

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 27th November 1986.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

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

27th November 1986.

Nicholas Edwards,
Secretary of State for Wales.

27th November 1986.

Lyell,
Parliamentary Under-Secretary of State,
for the Secretary of State,
Northern Ireland Office.

28th November 1986.

Article 2 SCHEDULE

SEA AREAS IN RESPECT OF WHICH PROHIBITION OF FISHING FOR SOLE APPLIES

ICES Statistical Division Vb (Faroes Grounds)

The waters bounded by a line beginning at a point in 63° 00′ north latitude, 4° 00′ west longitude; thence due west to 15° 00′ west longitude; thence due south to 60° 00′ north latitude; thence due east to 5° 00′ west longitude; thence due north to 60° 30′ north latitude; thence due east to 4° 00′ west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area VI (Rockall and West of Scotland)

The waters bounded by a line beginning at a point on the north coast of Scotland in 4° 00′ west longitude; thence due north to 60° 30′ north latitude; thence due west to 5° 00′ west longitude; thence due south to 60° 00′ north latitude; thence due west to

18° 00′ west longitude; thence due south to 54° 30′ north latitude; thence due east to the coast of the Republic of Ireland; thence in a northerly and easterly direction along the coasts of the Republic of Ireland and of Northern Ireland to a point on the east coast of Northern Ireland in 55° 00′ north latitude; thence due east to the coast of Scotland; thence in a northerly direction along the west coast of Scotland to the point of beginning.

ICES Statistical Sub-Area XII (North of Azores)

The waters bounded by a line beginning at a point in 62° 00′ north latitude, 15° 00′ west longitude; thence due west to 27° 00′ west longitude; thence due south to 59° 00′ north latitude; thence due west to 42° 00′ west longitude; thence due south to 48° 00′ north latitude; thence due east to 18° 00′ west longitude; thence due north to 60° 00′ north latitude; thence due east to 15° 00′ west longitude; thence due north to the point of beginning.

ICES Statistical Sub-Area XIV (East Greenland)

The waters bounded by a line from the geographic North Pole along the meridian of 40° 00′ west longitude to the north coast of Greenland; thence in an easterly and southerly direction along the coast of Greenland to a point in 44° 00′ west longitude; thence due south to 59° 00′ north latitude; thence due east to 27° 00′ west longitude; thence due north to 68° 00′ north latitude; thence due east to 11 00′ west longitude; thence due north to the geographic North Pole.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order prohibits, with an exception, 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 a sea area specified in the Schedule to the order, or

(*b*) by any British fishing boat registered in any of the Channel Islands within any part of such a sea area 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 sea areas, 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.

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