STATUTORY INSTRUMENTS

1986 No. 2122

SEA FISHERIES

CONSERVATION OF SEA FISH

The Herring (Firth of Clyde) (Prohibition of Fishing) Order 1986

Made - - - -	*4th December* 1986
Laid before Parliament	*5th December* 1986
Coming into Operation	*5th December* 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. This order may be cited as the Herring (Firth of Clyde) (Prohibition of Fishing) Order 1986, shall come into operation on 5th December 1986 and shall cease to have effect on 1st January 1987.

Prohibition

2. Fishing for Herring (*Clupea harengus*) by any British fishing boat, registered in the United Kingdom or the Isle of Man or in any of the Channel Islands, within that sea area landward of a straight line drawn from a point on the mainland at 55 17'.9 North latitude and 05 47'.8 West longitude (Mull of Kintyre) to a point on the mainland at 55 00'.5 North latitude and 05 09'.4 West longitude (Corsewall Point), being a sea area within 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.

(**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 was 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)*.

(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 sub-paragraph *(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 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 4th December 1986.

L.S.

Michael Jopling,
Minister of Agriculture,
Fisheries and Food.

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

John J. MacKay,
Parliamentary Under Secretary of State,
Scottish Office.

4th December 1986.

Nicholas Edwards,
Secretary of State for Wales.

3rd December 1986.

Tom King,
Secretary of State for Northern Ireland.

4th December 1986.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order prohibits fishing for Herring (*Clupea harengus*) by any British fishing boat, registered in the United Kingdom or the Isle of Man or in any of the Channel Islands, within the sea area in the Firth of Clyde landwards of a straight line between the Mull of Kintyre and Corsewall Point (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 the Firth of Clyde, herring 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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