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STATUTORY INSTRUMENTS

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**1992 No. 1344**

**SEA FISHERIES  
CONSERVATION OF SEA FISH**

**The Sea Fish (Specified Sea Areas) (Regulation of  
Nets and Other Fishing Gear) (Variation) Order 1992**

<i>Made</i>	- - - -	<i>5th June 1992</i>
<i>Laid before Parliament</i>		<i>8th June 1992</i>
<i>Coming into force</i>	- -	<i>9th June 1992</i>

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 3, 15(3), 20(1) and 22(2)(a) of the Sea Fish (Conservation) Act 1967(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Title and commencement**

1. This Order may be cited as the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Variation) Order 1992 and shall come into force on 9th June 1992.

**Variation of the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 1991**

2. The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 1991(2) shall be varied in accordance with articles 3 to 8 below.

3. In article 2 thereof (interpretation)—

(a) in paragraph (1)—

(i) the definition of “codline” shall be omitted;

(ii) in the definition of “protected species” there shall be inserted at the end the words  
“, and references in that Article to Annex II mean Annex II as amended by Council

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(1) 1967 c. 84; 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 3 and 15(3) was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and 45(b).  
(2) S.I.1991/1380.

Regulation (EEC) No. 2024/88(3), Council Regulation (EEC) No. 4056/89(4) and Council Regulation (EEC) No. 345/92(5)”;

(b) there shall be inserted at the end the following paragraphs—

“(3) For the purposes of this Order, a net shall be deemed to have been carried in a boat for the purpose of fishing for nephrops (*Nephrops norvegicus*) and a boat shall be deemed to have been fishing for nephrops if the catch retained on board that boat includes at least 30% by weight nephrops and not more than 60% by weight protected species.

(4) For the purposes of this Order, a net shall be deemed to have been carried in a boat for the purpose of fishing for queen scallops (*Chlamys opercularis*) and a boat shall be deemed to have been fishing for queen scallops if the catch retained on board that boat includes at least 80% by weight queen scallops and not more than 10% by weight protected species.”.

4. For article 3 thereof (exemptions) there shall be substituted the following article—

**“Exemptions**

3.—(1) This Order shall not apply to any net carried in, or used by, a beam trawler.

(2) The requirements relating to carriage of nets in article 4 shall not apply to any net which is properly lashed and stowed in such a way that it may not be readily used.

(3) Articles 4(1) and 6 shall not apply to any net carried in, or used by, a boat for the purpose of fishing for queen scallops.

(4) Article 6 shall not apply to any net carried in, or used by, a boat for the purpose of fishing for nephrops.”.

5. For article 4 thereof (regulation of carriage and use of nets) there shall be substituted the following article—

**“Regulation of carriage and use of nets**

4.—(1) Subject to article 3(1) to (3) and paragraphs (2) and (3) below, any net with a minimum mesh size of 80 millimetres or more but less than 90 millimetres carried in, or used by, any British fishing boat registered in the United Kingdom in ICES VI south of a line drawn westwards from the east coast of the Sound of Jura at 56° north latitude (Rockall and West of Scotland) or ICES VIIa (Irish Sea) shall have incorporated in it as part of the net a square mesh panel which—

(a) has a minimum mesh size of 80 millimetres;

(b) is at least 2 metres in length in the case of a boat with a registered engine power not exceeding 112 kilowatts, and is at least 3 metres in length in the case of any other boat;

(c) is placed—

(i) in the codend or in any extension piece with, in either case, the panel extending widthways across the topmost part of the net at right angles to the towing axis for at least 90% of the top half of the net; or

(ii) immediately in front of any extension piece or, in the absence of any extension piece, immediately in front of the codend with, in either case, the

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(3) OJ No. L179, 9.7.88, p.1.

(4) OJ No. L389, 30.12.89, p.75.

(5) OJ No. L42, 18.2.92, p.15.

panel extending widthways across the topmost part of the net at right angles to the towing axis for at least the same distance as the distance across 90% of the top half of the net at the front end of the codend;

- (d) is attached along each lengthwise edge to the net in such a way that the stretched length of the section of the net to which the panel is attached is the same as the stretched length of the panel along that lengthwise edge;
- (e) is constructed so that at any point along the length of the panel the number of meshes widthways across the panel is no greater than half the number of meshes widthways across the section of the net to which the front end of the panel is attached; and
- (f) is placed either forward of any flapper or with the front end of the panel to the rear of any flapper by at least 3 flapper lengths.

(2) Subject to article 3(1) and (2), any net with a minimum mesh size of 70 millimetres or more but less than 90 millimetres carried in, or used by, any British fishing boat registered in the United Kingdom in ICES IIa south of 64° north latitude and east of 4° west longitude (Norwegian Sea), ICES IV (North Sea) or ICES VI (Rockall and West of Scotland) for the purpose of fishing for nephrops shall have incorporated in it as part of the net a square mesh panel which—

- (a) has a minimum mesh size of 80 millimetres; and
- (b) complies with the criteria set out in paragraph (1)(b) to (f) above.

(3) Subject to article 3(1) and (2), any net with a minimum mesh size of between 70 millimetres and 85 millimetres inclusive carried in, or used by, any British fishing boat registered in the United Kingdom in ICES VII (Irish Sea, West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel) for the purpose of fishing for nephrops shall have incorporated in it as part of the net a square mesh panel which—

- (a) has a minimum mesh size of 75 millimetres; and
- (b) complies with the criteria set out in paragraph (1)(b) to (f) above.”.

6. In article 6(1) thereof (regulation of codend and extension piece)—

- (a) after the words “article 3(1)” there shall be inserted the words “, (3) and (4)”;
- (b) for the words from “of between 90 millimetres” to the words “(West of Scotland)—” there shall be substituted the words “of 80 millimetres or more is carried in, or used by, any British fishing boat registered in the United Kingdom—”.

7. In article 7 thereof (regulation of carriage and use of strengthening bags and top-side chafers)

- (a) paragraph (1) shall be omitted;
- (b) in paragraph (2) for the words “article 4(2) or (3)” there shall be substituted the words “article 4”.

8. In the Schedule thereto (statistical sub-areas and divisions of the International Council for the Exploration of the Sea) there shall be inserted after the entry relating to ICES Statistical Sub-Area VI (Rockall and West of Scotland) the following entry—

**“ICES Statistical Sub-Area VII (Irish Sea, West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel)**

The waters bounded by a line beginning at a point on the west coast of the Republic of Ireland in 54°30' north latitude; thence due west to 18°00' west longitude; thence due south to 48°00' north

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to a point in 51°00' north latitude; thence due west to the south-east coast of England; thence in a westerly and northerly direction along the coasts of England, Wales and Scotland to 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 northerly and westerly direction along the coasts of Northern Ireland and the Republic of Ireland to the point of beginning.”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th June 1992.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

4th June 1992

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

3rd June 1992

*David Hunt*  
Secretary of State for Wales

5th June 1992

*Patrick Mayhew*  
Secretary of State for Northern Ireland

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order varies the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 1991 (“the principal Order”) which regulates the carriage of certain nets and other fishing gear in British fishing boats registered in the United Kingdom in specified sea areas and restricts the manner in which such nets and gear may be used.

This Order is made in reliance on Article 14(1) of Council Regulation (EEC) No. 3094/86, laying down certain technical measures for the conservation of fishery resources (OJ No. L288, 11.10.86, p.1), which authorises Member States to take certain national measures for the conservation and management of stocks.

The principal Order requires a square mesh panel complying with specified criteria to be incorporated in nets of certain mesh sizes carried in, or used by, boats in part of ICES IIa (Norwegian Sea) or in ICES IV (North Sea), ICES VI (Rockall and West of Scotland) or ICES VIIa (Irish Sea). This Order alters those criteria in several respects. In particular, it widens the requirement for a square mesh panel in ICES VI south of 56° north latitude and changes the requirement for a square mesh panel in ICES VIIa, and for nephrops it extends the requirement for a square mesh panel from ICES VIIa to all parts of ICES VII (West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel) (articles 5 and 8).

This Order extends the circumstances in which the codend and any extension piece of nets are regulated (article 6), subject to exemptions (article 4). This Order also removes the prohibition on the carriage and use of strengthening bags and top-side chafers in the principal Order (article 7).

This Order also makes some consequential and drafting changes.