
STATUTORY INSTRUMENTS

1995 No. 168

**The Mackerel (Specified Sea Areas)
(Prohibition of Fishing) Order 1995**

Title, commencement and interpretation

1.—(1) This Order may be cited as the Mackerel (Specified Sea Areas) (Prohibition of Fishing) Order 1995 and shall come into force on 27th January 1995.

(2) In this Order—

“British fishing boat” means a fishing boat which is registered in the United Kingdom, the Isle of Man or any of the Channel Islands or which, not being so registered, is British-owned;

“sea area” means a statistical sub-area or division of the International Council for the Exploration of the Sea(1) specified in the Schedule hereto.

Prohibitions

2. Fishing for mackerel (*Scomber scombrus*)—

(a) by any British fishing boat registered in the United Kingdom within that part of sea area ICES Statistical Division IIa which lies within British fishery limits and any part of sea areas ICES Statistical Divisions IIIa, b, c and d and ICES Statistical Sub-Area IV, and

(b) by any other British fishing boat within any part of sea areas ICES Statistical Division IIa and ICES Statistical Sub-Area IV which lie within British fishery limits

is prohibited during the period beginning with the date of coming into force of this Order and ending immediately before 1st April 1995.

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 the powers conferred by paragraphs (2) to (4) below—

(a) anywhere in relation to any British fishing boat registered in the United Kingdom, and

(b) in any waters adjacent to the United Kingdom and within British fishery limits in relation to any other British fishing boat.

(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) above 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(2) 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 contravention 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.

26th January 1995

Michael Jack
Minister of State, Ministry of Agriculture,
Fisheries and Food

20th January 1995

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

19th January 1995

Rod Richards
Parliamentary Under Secretary of State, Welsh
Office

20th January 1995

Denton of Wakefield
Parliamentary Under Secretary of State,
Northern Ireland Office

(2) Subsection (6) was amended by section 22(2) of the Fisheries Act 1981. By virtue of subsection (7), where subsection (6) is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) are guilty of an offence under that subsection.