STATUTORY INSTRUMENTS

2015 No. 441

SEA FISHERIES, ENGLAND

BOATS AND METHODS OF FISHING

LANDING AND SALE OF SEA FISH

The Salmon and Migratory Trout (Prohibition of Fishing and Landing) (England) Order 2015

Made - - - -	*27th February 2015*
Laid before Parliament	*3rd March 2015*
Coming into force - -	*25th March 2015*

The Secretary of State has consulted the Secretary of State for Business, Innovation and Skills(**1**) in accordance with section 6(1) of the Sea Fish (Conservation) Act 1967(**2**), and makes the following Order in exercise of the powers conferred by sections 5(1) and (2) and 6(1), (2) and (3) of that Act(**3**), and by section 14A of the Interpretation Act 1978(**4**).

Title, commencement, extent and application

1. This Order—

(a) may be cited as the Salmon and Migratory Trout (Prohibition of Fishing and Landing) (England) Order 2015;

(b) comes into force on 25th March 2015; and

(c) extends to England and Wales but, subject to article 3, applies only in relation to England.

Interpretation

2. In this Order—

(**1**) The functions of the Board of Trade under section 6(1) have been transferred to the Secretary of State for Business, Innovation and Skills by virtue of S.I. 1970/1537, articles 2(1) and 7(4), and paragraph 10 of Schedule 2; S.I. 1974/692, article 2(1), and Part 3 of Schedule 1; S.I. 1983/1127, article 2(1); S.I. 2007/3224, article 11; and S.I. 2009/2748, article 4(1).

(**2**) 1967 c. 84. Section 6(1) was amended by article 4 of, and paragraph 43(1) and (6)(a) of Schedule 2 to, S.I. 1999/1820.

(**3**) Section 5(1) was amended by section 22(1) of the Fisheries Act 1981 (c. 29). Subsection (1) was further amended by section 198(1) and (2) of the Marine and Coastal Access Act 2009 (c. 23). Subsection (2) was further amended by section 201 of, and paragraphs 3(1) and (2) of Schedule 15 to, the Marine and Coastal Access Act 2009.

(**4**) 1978 c. 30.

"exclusive fishery limits" means the waters surrounding England and Wales to a distance of six miles from the baselines from which the territorial sea is measured;

"landing" in relation to salmon and migratory trout means the first landing of those fish after catching and "land" is to be construed accordingly;

"specified method" means a method of fishing with drift net or other gill net, trawl net, seine net, troll net or long-line, but does not include beach seining or fishing from the shore by net and coble; and for this purpose—

"drift net" means any length of net which is—

(i) allowed to float or drift,

(ii) either attached to or released from a fishing boat, and

(iii) not attached to or held on the shore; and

"gill net" means any length of net designed for the purpose of catching fish, by enmeshing them;

"the Mouth of the River Tweed" means the estuary limits of the River Tweed as set out in article 3(4) of the Scotland Act 1998 (River Tweed) Order 2006(**5**);

"North-East Atlantic waters" means the waters described in Part 1 of Schedule 1 to this Order;

"North-West Atlantic waters" means the waters described in Part 2 of Schedule 1 to this Order;

"the Northern Ireland zone" means the sea within that part of the exclusive economic zone(**6**) which is adjacent to Northern Ireland; and

"the Scottish zone" means the sea within that part of the exclusive economic zone which is adjacent to Scotland.

Prohibition of fishing

3.—(1) Subject to paragraph (2),fishing for salmon or migratory trout within the following areas is prohibited—

(a) the North-East Atlantic waters; and

(b) the exclusive economic zone from the boundary of the Scottish zone in the east in a clockwise direction around the English coastline to the boundary of the Scottish zone in the west.

(2) Subject to paragraph (3), paragraph (1)(b) does not apply to fishing in—

(a) the exclusive fishery limits;

(b) the southern seaward sector of the Tweed district, being the area described in section 2(6) of the Scotland Act 1998 (River Tweed) Order 2006;

(c) the area of sea within the exclusive economic zone lying west of the meridian of longitude 3 degrees west and north of the parallel of latitude 54 degrees 30' north up to the boundary with the Scottish zone;

(d) the area of sea within the exclusive economic zone lying east of the meridian of longitude 3 degrees west and south from the boundary with the Scottish zone to the southern boundary of the Mouth of the River Tweed and south of a line drawn due east from the eastern-most point of that boundary;

(e) the waters within the Northern Ireland zone; and

(**5**) S.I. 2006/2913.
(**6**) The Exclusive Economic Zone Order 2013 (S.I. 2013/3161) designates the area of the exclusive economic zone.

(f) the waters adjacent to Wales, specified as falling within the Welsh zone (within the meaning of section 158(1) of the Government of Wales Act 2006(**7**) by an Order in Council under section 58 of the Government of Wales Act 2006(**8**) or an order under section 158(3) of that Act.

(3) Fishing by a specified method for salmon or migratory trout within the area described in paragraph (2)(c) or (d) of this article is prohibited.

Prohibition of landings

4. Landing of any of the following fish in England is prohibited—

(a) salmon caught in North-West Atlantic waters;

(b) salmon and migratory trout caught in North-East Atlantic waters;

(c) salmon and migratory trout caught by a specified method in the areas described in Schedule 2 to this Order;

(d) subject to article 5, salmon and migratory trout caught in the waters described in Part 1 or 2 of Schedule 3 to this Order.

Exemption from prohibitions on landings

5. Notwithstanding article 4(d), it is lawful to land in England salmon and migratory trout caught —

(a) in waters which are—

(i) within so much of the exclusive fishery limits adjacent to England and Wales as are included in Part 1 of Schedule 3 to this Order; or

(ii) waters described in Part 2 of Schedule 3 to this Order; and

(b) in the course of fishing under the authority of, and in accordance with—

(i) the conditions of a licence, authorisation or consent granted in respect of fishing for salmon and migratory trout in waters referred to in paragraph (a) by the Environment Agency or the Natural Resources Body for Wales; and

(ii) any byelaws made by them.

Review

6.—(1) The Secretary of State must, from time to time—

(a) carry out a review of articles 3, 4 and 5;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory scheme established by articles 3, 4 and 5;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate, and if so, the extent to which they could be achieved with a system that imposes less regulation.

(**7**) 2006 c. 32.

(**8**) 2006 c. 32. Section 58 was amended by section 43(4) of, and paragraph 6(1) and (3)(a), (b) and (c) of Schedule 4 to, the Marine and Coastal Access Act 2009 (c. 23). Section 158(3) was substituted by section 43(1) and (3) of the Marine and Coastal Access Act 2009.