STATUTORY RULES OF NORTHERN IRELAND

# 2005 No. 349

# FISHERIES

## Shrimp Fishing Nets Order (Northern Ireland) 2005

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| *Made - - - -* | *26th July 2005* |
| *Coming into operation* | *22nd August 2005* |

The Department of Agriculture and Rural Development, in exercise of the powers conferred by sections 3(1) and 15(3) of the Sea Fish (Conservation) Act 1967(**1**) and now vested in it(**2**) and of every other power enabling it in that behalf, hereby make the following Order:

### Citation, commencement and interpretation

**1.**—(1) This Order may be cited as the Shrimp Fishing Nets Order (Northern Ireland) 2005 and shall come into operation on 22nd August 2005.

(2) This Order shall apply to Northern Ireland fishing boats in the Northern Ireland zone and Northern Ireland fishing boats outside British fishery limits.

### Interpretation

**2.**—(1) In this Order:

"codend" means the rearmost part of a net, being made up of one or more panels comprising pieces of netting of the same mesh size attached to one another along their sides in the long axis of the net by a lacing;

"Northern Ireland fishing boat" means a vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995(**3**) and whose entry in the register specifies a port in Northern Ireland as the port to which the vessel is to be treated as belonging;

"Northern Ireland zone" means the sea within British fishery limits which is adjacent to Northern Ireland.

(2) For the purposes of this Order, the mesh of a net or netting shall be measured in accordance with Commission Regulation (EEC) No. 2108/1984 of 23rd July 1984 laying down detailed rules

(**1**) 1967 c. 84. Section 3 was amended by the Fishery Limits Act 1976 (c. 86) section 9(1) and Schedule 2, paragraph 16(1), the Inshore Fishing (Scotland) Act 1984 (c. 26) section 10(1) and Schedule 1 and the Scotland Act 1998 (Consequential Modifications (No. 2) Order 1999 (S.I.1999/1820)), Article 4 and Schedule 2, paragraph 43(1), (2) and (4). Section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77) section 22(1) and Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c. 86) section 9(1) and Schedule 2, paragraph 16(1) and S.I. 1999/1820, Schedule 2, paragraph 43(2)(b)

(**2**) By S.I. 2002/970 Article 3(1) and Schedule 1, paragraph 3(1)(b) and (m) and (2)

(**3**) 1995 c. 21

for determining the mesh size of fishing nets(**4**) as amended by Commission Regulation (EC) No. 2550/1997(**5**).

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

**Prohibition on fishing for shrimps without a separator trawl or sorting grid**

**3.** A Northern Ireland fishing boat shall not carry or deploy a net, whose mesh measures between 16 and 31 millimetres unless –

(a) netting, the mesh of which measures at least twice that of the codend and no more than 70 millimetres, is fitted across the entire cross-section of the net in such a way that –

(i) sea fish cannot reach the codend without first passing through the netting; and

(ii) there is a hole in the net through which all sea fish that do not pass through the netting are able to escape;

(b) a rigid grid, the spacing between the bars of which is no more than 20 millimetres is fitted across the entire cross-section of the net in such a way that –

(i) sea fish cannot reach the codend without first passing through the grid; and

(ii) there is a hole in the net through which all sea fish that do not pass through the grid are able to escape;

(c) no sea fish have been **retained on board the boat**; or

(d) where sea fish have been caught, less than 60% by live weight of the total catch retained comprises common shrimps (Crangon spp), Aesop shrimps (Pandalas montagui) or a combination of the two and the retention of sea fish on board the boat is consistent with Article 25 of Council Regulation 850/98 of 30th March 1998 for conservation of fishery resources through technical measures for the protection of juveniles of marine organisms(**7**) as last amended by Council Regulation (EC) No. 973/2001 of 14th May 2001(**8**).

**Powers of British sea-fishery officers**

**4.**—(1) For the purposes of enforcing this Order, a British sea-fishery officer may exercise the powers conferred by this Article in relation to a Northern Ireland fishing boat in the Northern Ireland zone and a Northern Ireland fishing boat outside British fishery limits.

(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 of enforcing this Order 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; and

(**4**) O.J. No. L194, 24.7.1984, p. 22
(**5**) O.J. No. L349, 19.12.1997, p. 1
(**6**) 1954. c. 33 (N.I.)
(**7**) O.J. No. L125, 24.4.1998, p. 1
(**8**) O.J. No. L137, 19.5.2001, p. 1