

## **COMMON SOLE (PROHIBITION OF FISHING IN ICES DIVISIONS VIIf AND VIIg ORDER 1998**

I, Michael Woods, Minister for the Marine & Natural Resources, in exercise of the powers conferred on me by section 223A (inserted by section 9 of the Fisheries (Amendment) Act, 1978 (No. 18 of 1978), and amended by section 4 of the Fisheries (Amendment) Act, 1983 (No. 27 of 1983)) of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977) (as adapted by the Marine (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 301 of 1997)), hereby order as follows :

### REG 1

1. This Order may be cited as the Common Sole (Prohibition of Fishing in ICES Divisions VIIf and VIIg) Order, 1998.

### REG 2

2. This Order shall come into operation on the 30th day of October, 1998.

### REG 3

3. (1) In this Order—

"the specified areas" means the parts of the sea described in the Annex to the Communication and therein referred to as ICES Divisions VIIf and VIIg;

"common sole" means *Solea vulgaris* otherwise known as black sole or Dover sole.

(2) In this Article —

"the Communication" means the Communication (85/C347/05) from the Commission of the European Communities on the description of the ICES sub-areas and divisions used for the purpose of fishing statistics and regulations in the north-east Atlantic (1);

(1) O.J. C.347/14 of 31/12/85

"ICES" means the International Council for the Exploration of the Sea.

### REG 4

4. An Irish sea-fishing boat fishing in the specified areas or a person on board such boat shall not engage in fishing, land or tranship common sole from such boat, whether within the specified areas or elsewhere.

### REG 5

5. In a prosecution for an offence under Article 4 of this Order the following shall be prima facie evidence that the sea-fishing boat concerned was, at the time of the alleged offence, used for the transhipment or landing of common sole in contravention of that

Article:

(1) evidence that such sea-fishing boat had on board any books, papers or other documents from which it appears to the court that on the day on which the offence is alleged to have been committed common sole were landed or transhipped contrary to that Article,  
(2) any admission by any person who is for the time being the master or other person in charge, or another member of the crew, of such sea-fishing boat that at such time she was so used,  
(3) any other matter from which it so appears that such sea-fishing boat was so used or which in the opinion of the court suggest, that such sea-fishing boat was so used.

REG 6

6. The Common Sole (Control of Fishing in ICES Divisions VIIIf) and VIIg) Order, 1998 (S.I. No. 268 of 1998) is hereby revoked.

GIVEN under my Official Seal, this 28th day of October, 1998

MICHAEL WOODS T.D.

Minister for the Marine & Natural Resources

EXPLANATORY NOTE

This Order prohibits fishing for, transshipping, landing or having on board Common Sole by Irish sea-fishing boats in ICES Divisions VIIIf) and VIIg) with effect from the 30 October, 1998.