

# S.I. No. 253/1986 — Fisheries (Control of Fish Processing Vessels) Order, 1986.

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I, LIAM KAVANAGH, Minister for Tourism, Fisheries and Forestry, 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 Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1986 ( S.I. No. 40 of 1986 ), hereby order as follows:

1. (1) This Order may be cited as the Fisheries (Control of Fish Processing Vessels) Order, 1986.

(2) This Order shall come into operation on the 18th day of July, 1986.

2. In this Order "specified vessel" means a vessel which is equipped to freeze, salt, can or preserve by any other means whole or headless fish, whether gutted or ungutted, filleted or unfilleted, and to store such fish whether by freezing, cold storage or any other means.

3. A person shall not, except under and in accordance with a licence under this Order, take on board, or cause or permit the taking on board, other than by direct fishing, a specified vessel, within the exclusive fishery limits of the State, fish for freezing, cold storage, salting or for preservation by any other means.

4. A licence under this Order may be granted by the Minister on receipt, of an application made pursuant to Article 5 of this Order by the owner, master, charterer or hirer, as the case may be, of a specified vessel.

5. Every application for a licence under this Order shall be in such form as may be approved of by the Minister and shall contain such particulars as the Minister may

require.

6. In particular and without prejudice to the generality of Article 5 of this Order, every application for a licence under this Order shall contain the following particulars:

- (a) the name and place of registration of the specified vessel concerned;
- (b) the name and address of the owner and master of the specified vessel;
- (c) if the specified vessel is the subject of a charter or hiring agreement, particulars of the charterer or hirer as the case may be;
- (d) particulars of the storage capacity of the specified vessel;
- (e) particulars of any agreement entered into by the owner, master, agent of the owner or master, charterer or hirer, as the case may be, of the specified vessel with any person for the supplying by any other person of fish to the specified vessel for freezing, salting or preservation by any other means.

7. A licence under this Order may be granted for such period and subject to such conditions (if any) as the Minister thinks fit and specifies in the licence.

8. Without prejudice to the generality of Article 7 of this Order, conditions attached to a licence under this Order may—

- (a) restrict the quantity or species of fish that may be taken on board, other than by direct fishing, a specified vessel during such period as may be specified;
- (b) prohibit the taking on board, other than by direct fishing, a specified vessel of fish at any place other than such place as may be specified;
- (c) require the master or other person in charge, or, as the case may be, the charterer or hirer, of a specified vessel to keep and maintain such records as may be specified in relation to the activities of that vessel and in relation to any agreements entered into for the supplying by any other person of fish to the specified vessel for freezing, salting or preservation by any other means;
- (d) require that such records as may be specified concerning the activities of the specified vessel be forwarded by one or all of the following persons, that is to say, the master or any other person for the time being in charge of the vessel, the owner of the vessel or his agent or, as the case may be, the charterer or hirer of the vessel, to the Minister, or to a Sea Fisheries Protection Officer, or to such officer of the Minister, as may be specified;
- (e) prohibit the transshipment of fish to a specified vessel other than by such means as may be approved of by the Minister;
- (f) require the master or other person in charge of, or, as the case may be, the charterer or hirer of, a specified vessel at all times, on a request in that behalf being made by a Sea Fisheries Protection Officer, to permit such officer to

board the vessel and to inspect the vessel and any records kept thereon relating to the vessel and to permit such officer to take such copies as he may require of such records;

(g) prohibit the taking on board a specified vessel of fish the size of which is less than such size as may be specified.

9. (1) The Minister may, in his discretion, refuse to grant a licence under this order or may at any time amend or revoke a licence granted under this Order.

(2) Without prejudice to the generality of paragraph (1) of this Article, the Minister may

—  
(a) if he is satisfied that it is necessary so to do in order to limit the number of specified vessels, refuse to grant the licence;

(b) if he is satisfied that there has been a contravention of a condition attached to a licence granted under this Order, revoke the licence;

(c) if an application is made under this Order for a licence by or on behalf of a person who has previously held a licence which was revoked, refuse to grant the licence;

(d) revoke or vary any condition attached to a licence granted under this Order or attach, if he so thinks fit, a further condition to such licence.

10. The Fisheries (Control of Fish Processing Vessels) Order, 1985 ( S.I. No. 309 of 1985 ), and the Fisheries (Control of Fish Processing Vessels) (Amendment) Order, 1986 ( S.I. No. 28 of 1986 ), are hereby revoked.

GIVEN under my Official Seal, this 9th day of July, 1986.

LIAM KAVANAGH T.D.

Minister for Tourism,

Fisheries and Forestry.

EXPLANATORY NOTE.

This Order prohibits the taking on board of fish, other than by direct fishing by fish processing vessels operating in Irish waters except under and in accordance with a licence issued by the Minister for Tourism, Fisheries and Forestry.

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