

## FISHING NETS (REGULATION OF MESH) ORDER 1978

I, BRIAN LENIHAN, Minister for Fisheries and Forestry, in exercise of the powers conferred on me by Sections 226 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 (Alteration of Name of Department and Title of Minister) Order, 1978 (S.I. No. 195 of 1978)), hereby order as follows:

### REG 1

1. This Order may be cited as the Fishing Nets (Regulation of Mesh) Order, 1978.

### REG 2

2. This Order shall come into operation on the 18th day of September, 1978.

### REG 3

3. This Order applies to all waters which are situated within the exclusive fishery limits of the State and to all other waters which are situated within those parts of the Atlantic Ocean and its dependent seas which are bounded by lines drawn:—

( a ) from a point on the north coast of Scotland at the meridian of  $4^{\circ}$  west longitude due north to the parallel of  $60^{\circ}30'$  north latitude, thence due west to the meridian of  $5^{\circ}$  west longitude, thence due south to the parallel of  $60^{\circ}$  north latitude, thence due west to the meridian of  $18^{\circ}$  west longitude, thence due south to the parallel of  $48^{\circ}$  north latitude, thence due east to the coast of France; and

( b ) from a point on the coast of France at the parallel of  $51^{\circ}$  north latitude due west to a point on the south coast of England.

### REG 4

4. ( a ) Except as hereinafter provided it shall not be lawful to carry on board—

(I) any Irish sea-fishing boat in the waters to which this Order applies, or

(II) any foreign sea-fishing boat in such of those waters as lie within the exclusive fishery limits of the State;

any net for the purpose of fishing for sea-fish unless the net has in all its parts meshes of such dimensions that, when any mesh is stretched diagonally length-wise of the net, a flat gauge 2 millimetres thick and of the appropriate width will pass easily through the mesh when the net is wet.

( b ) For the purposes of this Article the appropriate width of the gauge shall be:—

(i) 70 millimetres in the case of any seine net or such part of any trawl net as is made of single twine;

(ii) 75 millimetres in the case of such part of any trawl net as is made of double twine;

( c ) In proceedings for an offence under this Article it shall be presumed until the contrary is proved that a gauge used by a sea fisheries protection officer for the purpose of ascertaining the dimensions of the net the subject of the offence is a flat gauge 2 millimetres thick and of the appropriate width.

#### REG 5

5. In any proceedings in respect of a contravention of Article 4 of this Order, it shall be a defence to prove that the net to which the proceedings relate—

( a ) (i) had in no part of its cod-end any mesh of a dimension greater than the dimension of the smallest mesh through which, when stretched diagonally length-wise of the net, a flat gauge 2 millimetres thick and 50 millimetres in width would pass easily, when the net was wet and

(ii) was being carried solely for the purpose of fishing for Blue Whiting (*Micromesistius poutassou*) other than in the waters which lie south of the parallel of 52° 30' north latitude and west of the meridian of 7° west longitude), Herrings (*Clupea harengus*), Mackerel (*Scomber scombrus*), Horse Mackerel (*Trachurus trachurus*), Sprat (*Clupea sprattus*), Norway Pout (*Trisopterus esmarkii*), Silver Smelts (*Argentina* spp), Prawns (*Pandalus* spp), Shrimps (*Crangon* spp), Eels, Great Weevers (*Trachinus draco*), Molluscs, Capelin (*Mallotus villosus*), Saury (*Scomberesox Saurus*) or Smelts (*Osmerus* spp) and had, in none of its parts, any mesh of a dimension less than the dimension of the smallest mesh through which, when stretched diagonally length-wise of the net, a flat gauge 2 millimetres thick and 16 millimetres wide would pass easily, when the net was wet; or

( b ) was being carried—

(i) in case the contravention was before the 31st day of October, 1978, solely for the purpose of fishing for nephrops and had in none of its parts, any mesh of a dimension less than the dimension of the smallest mesh through which when stretched diagonally length-wise of the net, a flat gauge 2 millimetres thick and 40 millimetres wide would pass easily, when the net was wet; or

(ii) in case the contravention was on or after the 1st day of November, 1978 and before the 31st day of August, 1979 solely for the purpose of fishing for nephrops and had, in none of its parts, any mesh of a dimension less than the dimension of the smallest mesh through which, when stretched diagonally length-wise of the net, a flat gauge 2 millimetres thick and 55 millimetres wide would pass easily, when the net was wet;

Provided that—

(I) the defence specified in paragraph (a) of this Article shall not apply if the catch on board the boat concerned (or a representative sample thereof) after sorting or in the hold or on landing or both includes a quantity of sea-fish of a description specified in the Schedule to this Order which exceeds 10 per cent. of the total weight of the catch or of the sample, and

(II) the defence specified in paragraph (b) of this Article shall not apply if the catch on board the boat (or a representative sample thereof) after sorting or in the hold or on landing or both includes a quantity of sea fish of a description specified in the Schedule to this Order which exceeds 40 per cent. of the total

weight of the catch or of the sample.

#### REG 6

6. The representative samples referred to in paragraphs (a) and (b) of Article 5 of this Order shall—

- ( a ) be selected by a sea fisheries protection officer;
- ( b ) comprise a quantity of not less than one hundred kilograms in weight;
- ( c ) be deemed to be a fair sample until the contrary is proved.

#### REG 7

7. The Fishing Nets (Regulation of Mesh) Order, 1976 (S.I. No. 210 of 1976), is hereby revoked.

#### **SCHEDULE.**

Cod (*Gadus mohua*), Haddock (*Melanogrammus aeglefinus*), Hake (*Merluccius merluccius*), Plaice (*Pleuronectes platessa*), Witches (*Glyptocephalus cynoglossus*), Lemon Sole (*Microstomus kitt*), Sole (*Solea solea*), Turbot (*Scophthalmus maximus*), Brill (*Scophthalmus rhombus*), Megrim (*Lepidorhombus* spp), Whiting (*Merlangius merlangus*), Dab (*Limanda limanda*), Saithe (*Pollachius virens*).

GIVEN under my Official Seal, this 28th day of August, 1978.

BRIAN LENIHAN,

Minister for Fisheries and Forestry.

#### EXPLANATORY NOTE.

This Order prescribes minimum sizes for meshes of trawl and seine nets used in sea-fishing.