

HAKE FISHING (LICENSING) ORDER 1990

I, JOHN P. WILSON, Minister for the Marine, 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 Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987)), hereby order as follows:

REG 1

1. This Order may be cited as the Hake Fishing (Licensing) Order, 1990, and shall come into operation on the 8th day of April, 1990.

REG 2

2. (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 sub-areas VI, VII, XII, and XIV and ICES division Vb) (E.C. zone);

"hake" means *merluccius merluccius*.

(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.

(3) In any proceedings in which a contravention of this Order is alleged prima facie evidence of the Communication may be given by the production of a copy of the Official Journal purporting to contain the Communication.

REG 3

3. (1) Nothing in this Order shall apply to an Irish sea-fishing boat of less than 55 feet in length.

(2) In this Article, "length", in relation to a boat, means the distance from the forepost of the stern of the boat to the aft side of the head of the sternpost of the boat."

REG 4

4. (1) The Minister may, upon the application of any person who is the owner of an Irish sea-fishing boat and upon being furnished by the person with any information which the Minister may reasonably require in relation to the application, grant to the person a licence authorising the fishing for hake within the specified areas from the boat during such period as may be specified in the licence; provided that the licence shall not authorise any such

fishing at any time during a period when the person is not the owner of the boat.

(2) A licence under this Article shall be granted subject to such conditions (if any) as the Minister thinks fit and specifies in the licence including, without prejudice to the generality of the foregoing, conditions:

(a) restricting the quantity of hake that pursuant to the licence may be taken, landed or transhipped in a specified period or periods,

(b) prohibiting the landing or transhipment of hake other than at specified places,

(c) requiring the keeping by the master or other person in charge for the time being of the boat concerned of specified records in relation to the boat's activities, and

(d) requiring the person to whom the licence is granted at all times on a request being made in that behalf to permit the boarding and inspection of the boat and of any records kept on board the boat in relation to the boat, whether pursuant to a requirement of the licence or otherwise by a sea fisheries protection officer and the taking of copies of any such records by such an officer.

(3) The Minister may, if he is satisfied that there has been a contravention of a condition specified in a licence under this Article, revoke the licence.

(4) The Minister may at any time revoke or vary any condition subject to which a licence under this Article is granted or attach a new condition to such licence and in case the Minister attaches a new condition under this paragraph then the condition shall be regarded as being specified in the licence.

REG 5

5. (1) Subject to paragraph (2) of this Article neither a person to whom a licence under this Order has been granted, nor the master or other person who is for the time being in charge of a vessel to which such a licence relates, shall contravene a condition specified in the licence or cause or permit such a contravention.

(2) Where a licence has been granted subject to a condition described in Article 4 (2) (d) of this Order, the person to whom such licence has been granted, or the master or other person who is for the time being in charge of a vessel to which such a licence relates, shall not obstruct or interfere with a sea fisheries protection officer in exercise of any right exercisable by him by virtue of the condition or cause or permit such obstruction or interference.

GIVEN under my Official Seal, this 28th day of March, 1990.

JOHN P. WILSON,
Minister for the Marine.

EXPLANATORY NOTE.

The effect of this Order is to prohibit fishing for, landing, transhipping or having on board hake by Irish sea-fishing boats of

55' length or over except in accordance with a licence issued by the Minister for the Marine with effect from 8th April, 1990.