

OYSTERS (CONSERVATION OF STOCKS) ORDER 1987

I, BRENDAN DALY, Minister for the Marine, in exercise of the powers conferred on me by section 223A (inserted by 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 Oysters (Conservation of Stocks) Order, 1987.

REG 2

2. In this Order, "a specified vessel" means a sea fishing boat or boat of any other class or description.

REG 3

3. This Order shall not apply to oysters which are intended for direct human consumption, which oysters have not been relayed from one part of the exclusive fishery limits of the State to another, either directly or overland, by any means.

REG 4

4. Neither a specified vessel nor a person on board a specified vessel shall engage in dredging for, fishing for or taking oysters within the exclusive fishery limits of the State and the master of a specified vessel shall not cause or permit the vessel or any person on board to engage in such dredging, fishing or taking within the exclusive fishery limits of the State.

REG 5

5. (a) A specified vessel shall not have oysters on board within the exclusive fishery limits of the State.
(b) The master of a specified vessel shall not cause or permit the boat or any person on board to have oysters on board within the exclusive fishery limits of the State.

REG 6

6. The master of a specified vessel shall not cause or permit the boat to be used within the exclusive fishery limits of the State for the transhipment of oysters from a specified vessel.

REG 7

7. (1) In a prosecution for an offence under Article 6 of this Order, the following shall be a prima facie evidence that the specified vessel concerned was, at the time of the alleged offence, used for the transshipment of oysters in contravention of that Article:

(a) evidence that such specified vessel 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 oysters were received on board the boat otherwise than in the course of fishing.

(b) 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 specified vessel that at such time she was so used.

(2) In a prosecution for an offence under Article 5 of this Order it shall be a defence for the defendant to prove that the oysters to which the prosecution relates were taken outside the exclusive fishery limits of the State.

(3) In a prosecution for an offence under this Order, it shall be a defence for the defendant to prove that the oysters to which the prosecution relates were intended for direct human consumption and had not been relayed from one part of the exclusive fishery limits of the State to another, either directly or overland, by any means.

REG 8

8. A person shall not, within the State, have in possession oysters in any package, vehicle, premises, pier, wharf, jetty, dock or dock premises, ship, boat, railway wagon, lorry, cart or other vessel or vehicle used for the conveyance of goods.

REG 9

9. A person shall not, within the State, sell, or have for sale oysters in any package, vehicle, premises, piers, wharf, jetty, dock or dock premises, ship, boat, railway wagon, lorry, cart or other vehicle or vehicle used for the conveyance of goods.

REG 10

10. For the purposes of enabling this Order to have full effect, each of the powers conferred on a Sea Fisheries Protection officer by the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), is hereby extended to such extent as may be necessary.

GIVEN under my Official Seal, this 25th day of March, 1987.
BRENDAN DALY,

Minister for the Marine.

EXPLANATORY NOTE.

The effect of this Order is to prohibit the taking of, landing, transshipment or having on board oysters on any vessel as well as the possession or sale of oysters within the State with the exception of oysters taken or held for direct human consumption which have not been relayed from one part of the exclusive fishery limits of the State to another either directly or overland.