

SALMON (RESTRICTION OF FISHING AT SEA) ORDER 1984

I, PADDY O'TOOLE, Minister for 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), as amended by section 4 of the Fisheries (Amendment) Act, 1983 (No. 27 of 1983)), 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 Salmon (Restriction of Fishing at Sea) Order, 1984.

REG 2

2. Fishing for salmon is hereby prohibited in that part of the exclusive fishery limits of the State that lies outside the line every point of which is at a distance of 12 nautical miles seaward from the nearest point of the baseline.

REG 3

3. (1) For the purposes of enabling this Order to have full effect all of the powers conferred on a sea fisheries protection officer by the Principal Act are hereby extended to such extent as is appropriate for the enforcement of this Order.

(2) Without prejudice to the generality of paragraph (1) of this Article the following provisions shall apply:—

(a) the powers referred to in paragraph (1) of this Article and exercisable as regards sea-fish (whether exercisable only as regards sea-fish of a particular description or otherwise exercisable) or as regards sea-fishing boats are hereby extended so as to be exercisable by a sea fisheries protection officer in relation to—

(i) salmon,

(ii) any boat other than a sea-fishing boat;

(b) the following provisions of the Principal Act, namely, section 231, section 233 (other than subsection (4)), section 233A (inserted by section 12 of the Act of 1978), section 234 (inserted by section 13 of the Act of 1978), section 235 (inserted by section 14 of the Act of 1978), section 236, and subsection (2) of section 309 (inserted by section 15 (2) of the Act of 1978) together with the Sea Fishing Boats (Orders to Stop) Regulations, 1934 and 1940, shall, for the purposes referred to in paragraph (1) of this Article, be construed and have effect subject to the modifications specified in subparagraph (c) of this paragraph;

(c) the modifications referred to in subparagraph (b) of this paragraph are—

(i) any reference in the said section 231 to sea-fish shall be construed as including a reference to salmon,

(ii) the reference in paragraph (d) of subsection (1) of the said section 231 to under-sized sea-fish shall be construed as including a reference both to sea-fish of any other description and to

salmon,

(iii) the reference in paragraph (e) of the said subsection (1) to an offence under this Chapter shall be construed as including an offence under section 223A of the Principal Act which is an infringement of this Order,

(iv) the reference in paragraph (f) of the said subsection (1) to forfeiture under this Chapter shall be construed as including a reference to forfeiture under section 2 (1) of the Act of 1978 as a statutory consequence of conviction of an offence under the said section 223A which is such an infringement,

(v) any reference in the said section 233, 233A, 234, 235 or 236, or in subsection (2) of the said section 309, or in the said Regulations, either to a sea-fishing boat or to a boat, shall be construed as a reference to a boat of any description,

(vi) any reference in the said section 231, 233, 233A, 234, 235 or in subsection (2) of the said section 309 or any of the said sections 231, 233, 233A, 234 or 235 or to the said subsection (2) or to any subsection or paragraph of any of the last-mentioned sections or to any paragraph of the said subsection (2) shall, where appropriate, be construed as a reference to that section, subsection or paragraph, as may be appropriate, as affected by this Order, and

(vii) any other necessary modification.

(3) In any detention or other order, certificate, authorisation or other instrument made or given, whether wholly or partly, by virtue of this Article any reference to section 231, 233, 233A, 234, 235 or 236 of the Principal Act shall be construed as a reference or, as may be appropriate, as including a reference to the section as affected by this Order.

(4) In this Article—

"the Principal Act" means the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959);

"the Act of 1978" means the Fisheries (Amendment) Act, 1978 (No. 18 of 1978).

GIVEN under my Official Seal this 5th day of June, 1984.

PADDY O'TOOLE,
Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

Having regard to Decision No. 82/886 EEC of the Council of the European Communities to approve the Convention for the Conservation of Salmon in the North Atlantic Ocean, this Order prohibits fishing for salmon in that part of the exclusive fishery limits of the State that lies outside twelve nautical miles from the baselines.