

SI No 643 of 2001**Whiting (Fisheries Management and Conservation) (No.9) Order, 2001.**

I, Frank Fahey, Minister for the Marine and Natural Resources, 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 Marine (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 301 of 1997)), hereby order as follows:

1. This Order may be cited as the Whiting (Fisheries Management and Conservation) (No.9) Order, 2001 and shall come into operation on the 1st day of January, 2002 and shall cease to have effect from the 31st day of January, 2002.

2. (1) In this Order -

"the specified area" means the parts of the sea described in the Annex to the Communication and therein referred to as ICES sub-areas -

- (a) VII (excluding VIIa);
- (b) VIIa
- (c) VII (including sub-areas (a) and (b) above)

"whiting" means *Merlangius merlangus*.

"length", in relation to a boat, means the distance from the forepart of the stem of the boat to the aft side of the head of the sternpost of the boat or to the foreside of the rudder stock.

(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⁾;

"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.

⁽¹⁾ O.J. C.347/14 of 31/12/85

3. (1) From the 1st day of January, 2002 an Irish sea-fishing boat fishing, or a person on board such boat, fishing in the specified area shall not have or retain on board more than the following quantities of whiting during the period from the 1st day of January, 2002 to the 31st day of January, 2002 nor land more than that quantity during this period.

- (a) 6 tonnes of whiting in sub-area VII (ex VIIa)
 (b) 2 tonnes of whiting in sub-area VIIa

subject to the condition that not more than a maximum of 6 tonnes of whiting shall be retained on board or landed in Area VII as a whole during this period.

- (2) Notwithstanding the provisions of sub-paragraph (1) of this Article, from the 1st day of January, 2002 an Irish sea-fishing boat of length greater than or equal to 55 feet and fishing by means of Scottish fly seines or a person on board such boat and fishing in the specified area shall not have or retain on board more than the following quantities of whiting during the period from the 1st day of January, 2002 to the 31st day of January, 2002 nor land more than that quantity during this period.

- (a) 12 tonnes of whiting in sub-area VII (ex VIIa)
 (b) 4 tonnes of whiting in sub-area VIIa

subject to the condition that not more than a maximum of 12 tonnes of whiting shall be landed or retained on board in Area VII as a whole during this period.

4. From the 1st day of January, 2002 the master or other person for the time being in charge of an Irish sea fishing boat shall not cause or permit such boat to be used in the specified area for the transhipment of whiting or cause or permit such boat to engage in transhipment operations at sea.

5. (1) The master or other person for the time being in charge of an Irish sea-fishing boat shall, prior to the commencement of each voyage, inform a Sea Fisheries Protection Officer of the expected port at which the licensed vessel shall land whiting on completion of that voyage.

- (2) The master or other person for the time being in charge of an Irish sea-fishing boat, if requested by a Sea Fisheries Protection Officer, may not land whiting at any port or place unless, on each occasion a Sea Fisheries Protection Officer has given prior approval of such landing.

6. In a prosecution for an offence under Article 3 or 4 of this Order, the following shall be prima facie evidence that the sea-fishing boat concerned was, at the time of the alleged offence, used for the landing or transhipment of whiting in contravention of the said Article 3 or 4;

(a) evidence that such sea-fishing boat 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 whiting were landed or transhipped contrary to the said Article 3 or 4;

(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 sea-fishing boat that at such time she was so used,

(c) any other matter from which it so appears that such sea-fishing boat was so used or which in the opinion of the Court suggests, or tends to suggest, that such sea-fishing boat was so used.

GIVEN under my Official Seal,

This 21st day of December, 2001.

LS

Frank Fahey
Minister for the Marine
and Natural Resources

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

This Order provides for a continuation of the management regime for the whiting fishery in Area VII with effect from the 1st day of January, 2002.

From that date, an Irish sea-fishing boat equal to or greater than 55 feet in length and fishing by means of Scottish fly seines or a person on board such boat, may not have or retain on board more than the following quantities of whiting during the period from the 1st day of January to the 31st day of January, 2002.

- (a) 12 tonnes of whiting in sub-area VII (ex VIIa)
- (b) 4 tonnes of whiting in sub-area VIIa

subject to the condition that not more than a maximum of 12 tonnes of whiting shall be retained on board or landed in Area VII as a whole.

All other Irish sea-fishing boats fishing for whiting or a person on board such boat, may not have on board or land more than the following quantities of whiting during this period:

- (a) 6 tonne of whiting in sub-area VII (ex VIIa)
- (b) 2 tonne of whiting in sub-area VIIa

subject to the conditions that not more than a maximum of 6 tonne of whiting shall be landed or retained on board in Area VII as a whole.

It is prohibited to tranship or to engage in transhipment operations of whiting.

(PN. 11003)

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