

S.I. No. 251/2000 — Sea Fisheries (Experimental Fishing For Tuna) Order, 2000.



STATUTORY INSTRUMENTS.

S.I. No. 251 of 2000.

SEA FISHERIES (EXPERIMENTAL FISHING FOR TUNA) ORDER, 2000.

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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 Sea Fisheries (Experimental Fishing for Tuna) Order, 2000.

This Order shall come into operation on the 5th day of August, 2000.

2. In this Order—

“tuna” means *Thunnus alalunga*;

“experimental fishing for tuna” means fishing for tuna by means of fishing gears other than driftnets, including the taking, landing or transhipment of same;

“scientific data” means information collected in the course of experimental fishing for tuna relating to gear, catch, location, effort and other parameters as laid down;

“driftnets” means a wall of netting used in fishing, which is free to move according to tide and wind conditions;

“Minister” means the Minister for the Marine and Natural Resources;

“BIM” means Bord Iascaigh Mhara (The Irish Sea Fisheries Board);

3. A person who is the owner, charterer or hirer of an Irish sea fishing boat may not engage in experimental fishing for tuna other than in accordance with an authorisation granted under either Article 4 of this Order or Article 6 of the Sea Fisheries (Driftnets) Order, 1998 (No. 267 of 1998).

4. (1) The Minister may, upon the application of any person who is the owner, charterer or hirer 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 and upon confirmation that the person has been accepted by BIM for participation in an experimental fishing programme for tuna, grant to the person an authorisation for the purposes of conducting experimental fishing for tuna.

(2) An authorisation under this Article shall stand revoked if the holder of the authorisation ceases to be the owner, charterer or hirer of the boat to which the authorisation relates or does not or ceases to hold a licence granted under section 222B (inserted by section 2 of the Fisheries (Amendment) Act, 1983) of the Fisheries (Consolidation) Act, 1959 or ceases to be registered in the Register of Fishing Boats.

(3) An authorisation under this Article shall be subject to any or all of the following conditions as the Minister thinks fit and specifies in the authorisation;

- (i) specifying the quantities or types of fishing gear or gears which may be used for the purposes of experimental fishing for tuna, and the manner in which such gear or gears may be used;
- (ii) restricting the quantity of tuna that may be taken, landed or transhipped in a specified period or periods;
- (iii) prohibiting the landing or transhipment of tuna other than at specified places;
- (iv) the collection, collation and submission to BIM within specified deadlines of all scientific data considered necessary by BIM in relation to experimental fishing for tuna;
- (v) the dissemination of such scientific data in a manner and format and at a time which BIM at their absolute discretion shall decide;
- (vi) the keeping by the master of the boat in relation to the activities of the boat such records as may be specified by the Minister in the

authorisation under this Article;

- (vii) requiring the master of the boat concerned at all times on a request being made in that behalf to permit and facilitate the boarding and inspection of the boat and inspection of the authorisation and any records kept on board the boat in relation to the boat, whether pursuant to a requirement of the authorisation or otherwise, by a sea fisheries protection officer and the taking of copies of the authorisation or any such records by such an officer;
- (viii) requiring the master of the boat to permit and facilitate the placing of any person appointed by the Minister or BIM on board the vessel for the purposes of ensuring compliance with the requirements of the authorisation, fisheries legislation generally and scientific observation or otherwise;
- (ix) requiring the keeping of the authorisation on the boat concerned; or
- (x) requiring the surrender of the authorisation by the holder to the Minister or a sea fisheries protection officer upon its expiry or revocation.

5. The Minister may, if he or she is satisfied that there has been a failure to comply with all relevant EU and national legislation or with a condition specified in an authorisation under Article 4 by the holder of the authorisation or the master of the vessel to which such an authorisation relates, revoke the authorisation.

6. The Minister may at any time revoke or vary any condition, or insert a new condition, under Article 4, and the condition as so revoked, varied or inserted shall be regarded as being specified in the authorisation.

7. Neither a person to whom an authorisation is granted under Article 4 nor the master of an Irish sea-fishing boat to which such an authorisation relates shall fail to comply with a condition specified in the authorisation or cause or permit such a failure.



GIVEN under the Official Seal, this 4th day of August, 2000.

FRANK FAHEY T.D.,

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.)

The effect of this Order is to allow for the fishing for tuna for experimental purposes by means of fishing gears other than driftnets.

This Order comes into operation on the 5th day of August, 2000.

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