

STATUTORY INSTRUMENTS.

**S.I. No. 7 of 1999.**

**HORSE MACKEREL (LICENSING) ORDER, 1999.**

I, MICHAEL WOODS, 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. (1) This Order may be cited as the Horse Mackerel (Licensing) Order, 1999.

(2) This Order shall come into operation on the 22nd day of January, 1999.

2. In this Order "horse mackerel" means *trachurus trachurus*.

3. (1) The Minister may—

(a) upon the application in writing of any person who is the owner, charterer or hirer of an Irish sea-fishing boat that—

(i) is entered in the Register of Fishing Boats maintained under Regulation 7 of the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats Regulations, 1997 (S.I. No. 294 of 1997), as belonging to the pelagic segment of that register, and

(ii) has on board a tank, commonly known as, and hereafter in this Order referred to as a "refrigerated sea water tank", and

(b) upon the furnishing by such person of such information to the Minister as he or she may require in relation to the application,

grant to the person a licence authorising the fishing for, landing or transshipment of, horse mackerel from that boat during such period as may be specified in the licence:

Provided that the licence shall not authorise any such fishing during a period when the person is not the owner, charterer or hirer of the boat.

(2) The Minister may attach such conditions as he or she thinks fit to a licence including conditions—

(a) restricting the quantity of horse mackerel that may be taken, landed or transshipped in a specified period,

(b) prohibiting the landing or transshipment of horse mackerel other than at a specified place,

(c) requiring the keeping by the master or other person in charge for the time being of the boat concerned of such records as are specified in the licence,

(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 concerned and inspection 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 satisfied that a person to whom a licence under this Order has been granted has contravened—

(a) Article 4 of this Order,

(b) a provision of an order under section 223A (inserted by section 9 of the Fisheries (Amendment) Act 1979 (No. 18 of 1979) 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), other than this Order,

or

(c) a condition in or attached to a licence under this Order, revoke the licence.

(4) The Minister may at any time revoke or vary a condition in a licence or attach a new condition to a licence.

4. A person shall not, other than pursuant to a licence granted under this Order—

(a) fish for

(b) land or transship from, or

(c) retain on board,

an Irish sea-fishing boat to which paragraph (a) of Article 3(1) applies, horse mackerel.

5. A sea fisheries protection officer may, for the purposes of ensuring compliance with a licence under this Order, require the person to whom the licence has been granted, or, the master or other person who is for the time being in charge of the boat in respect of which the licence has been granted, to—

(a) lower or cause to be lowered the level of water in a refrigerated sea water tank on such boat to such level as will enable the sea fisheries protection officer to see and identify the species of fish in such tank or

(b) provide a sample of fish, commonly known as a brail sample, from such tank,

and the person of whom such requirement is made shall comply with the requirement.

6. A person to whom a licence under this Order has been granted, or the master or person in charge of a boat in respect of which a licence under this Order has been granted, shall not contravene a condition specified in the licence or attached to the licence.



GIVEN under my Official Seal, this 21st day of January, 1999.

MICHAEL WOODS 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 require certain Irish sea-fishing boats to be duly licensed under the Order to fish for, tranship or have on board horse mackerel. The Order applies to vessels belonging to the pelagic segment of the Irish Sea Fishing Boat Register. The Order is effective from the 22nd day of January, 1999.