

STATUTORY INSTRUMENTS.

S.I. No. 76 of 1999.

PLAICE (CONTROL OF FISHING IN ICES DIVISIONS VIII^f AND VIII^g) 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. This Order may be cited as the Plaice (Control of Fishing in ICES Divisions VIII^f and VIII^g) Order, 1999.

2. This Order shall come into operation on the 1st day of April, 1999.

3. (1) In this Order—

"the specified areas" means those parts of the sea described in the Annex to the Communication and therein referred to as ICES Divisions VIII^f and VIII^g;

"plaice" means *Pleuronectes platessa*.

(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⁾.

⁽¹⁾ O.J. C.347/14 of 31/12/85.

"ICES" means the International Council for the Exploration of the Sea.

4. (1) An Irish sea-fishing boat fishing in the specified areas by means of beam trawls or a person on board such boat may only land or tranship plaice from such boat, whether within the specified areas or elsewhere, if the plaice so landed or transhipped did not exceed 2 per cent by weight of the total catch of all species of fish subject to quotas landed or transhipped on any occasion.

(2) An Irish sea-fishing boat fishing in the specified areas by means other than beam trawls or a person on board such boat, may only land or tranship plaice from such boat, whether within the specified areas or elsewhere if the plaice so landed or transhipped did not exceed 2 per cent by weight of the total catch of all species of fish subject to quotas landed or transhipped on any occasion.

(3) In this Article "quotas" means the State's share of the total allowable catch (TAC) fixed by the Council of the European Communities relating to certain species of fish in respect of the year 1999, or, as the case may be, each subsequent year thereafter.

5. (1) In a prosecution for an offence under Article 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 transhipment or landing of plaice in contravention of that Article.

(2) 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 plaice were landed or transhipped contrary to that Article.

(3) 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.

(4) 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.

6. The master or other person in charge of an Irish sea-fishing boat fishing by means of beam trawls in the specified areas shall, before each landing or transhipment of plaice from the boat, inform a Sea Fisheries Protection Officer of the time and location of the landing or transhipment whether inside or outside the State and the quantity of plaice concerned.

7. The Plaice (Control of Fishing in ICES Divisions VIIIf and VIIg) (No. 2) Order, 1998 (S.I. No. 562 of 1998) is hereby revoked.

(L.S.)

GIVEN under my Official Seal, this 30th day of March, 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.)

This Order provides a management regime for landings and transshipments of plaice caught by Irish boats in the ICES Divisions VIIIf and VIIg with effect from 1st April 1999.

The Order allows Irish sea-fishing boats to land or tranship plaice caught in ICES Divisions VIIIf and VIIg provided that:

(a) boats fishing by means of beam trawls only — plaice may not exceed 2 per cent by weight of the total catch of quota species landed or transhipped on any occasion;

(b) boats fishing by means other than beam trawls — the plaice may not exceed 2 per cent by weight of the total catch of all quota species landed or transhipped on any occasion.