

**COMMON SOLE (RESTRICTION ON FISHING IN THE IRISH SEA) ORDER, 1998.**

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 Common Sole (Restriction on Fishing in the Irish Sea) Order, 1998.

2. This Order shall come into operation on the 26th day of April, 1998.

3. (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 Division VIIa);

"common sole" means *Solea vulgaris* otherwise known as black sole or Dover sole.

(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 <sup>(1)</sup>;

(3) "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 1998, or, as the case may be, each subsequent year thereafter.

<sup>(1)</sup> O.J. C.347/14 of 31/12/85

4. 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.

5. From the 26th day of April, 1998, neither an Irish sea-fishing boat fishing by means of beam trawls nor a person on board such boat shall engage in fishing for common sole in the specified area and the master of such boat shall not cause or permit the boat or any person on board to engage in such fishing in the aforesaid area.

6. From the 26th day of April, 1998, the master of an Irish sea-fishing boat fishing by means of beam trawls shall not cause or permit such boat to be used in the specified area for the landing or transhipment of common sole.

7. An Irish sea-fishing boat fishing in the specified area by means other than beam trawls or a person on board such boat may only land or tranship common sole from such boat, whether within the specified area or elsewhere, if the common sole so landed or transhipped did not exceed 5 *per cent* by weight of the total catch of all species of fish subject to quotas landed or transhipped on any occasion.

8. In a prosecution for an offence under Article 5 or 6 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 common sole in contravention of the said Article 5 or 6;

(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 common sole were landed or transhipped contrary to the said Article 5 or 6;

(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.

The Common Sole (Restriction on Fishing in the Irish Sea) (No. 2) Order, 1997 (S.I. No. 387 of 1997) is hereby revoked.

GIVEN under my Official Seal, this 22nd day of April, 1998.

MICHAEL WOODS,

Minister for the Marine and Natural Resources.

EXPLANATORY NOTE.

This Order provides a management regime for the Irish Sea common sole fishery with effect from the 26th of April, 1998.

From 26th of April, 1998, Irish sea-fishing boats fishing by means of beam trawls shall be prohibited to fish for, land, tranship or have on board common sole in the Irish Sea (ICES Division VIIa).

Landings or transhipments of common sole caught in the Irish Sea by Irish sea-fishing boats fishing by means other than beam trawls may comprise no more than 5 per cent by weight of the total catch of quota species on board at the time of landing or transhipment.

