



STATUTORY INSTRUMENTS.

S.I. No. 309 of 1985.

**FISHERIES (CONTROL OF FISH PROCESSING
VESSELS) ORDER, 1985.**

(Pl. 3496)

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VESSELS) ORDER, 1985.**

I, PADDY O'TOOLE, Minister for Fisheries and Forestry, 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 Fisheries (Alteration of Name of Department and Title of Minister) Order, 1978 (S.I. No. 195 of 1978)), hereby order as follows:—

1. (1) This Order may be cited as the Fisheries (Control of Fish Processing Vessels) Order, 1985.

(2) This Order shall come into operation on the 21st day of October, 1985.

2. In this Order "specified vessel" means a vessel which is equipped to freeze, salt, can or preserve by any other means whole or headless fish, whether gutted or ungutted, filleted or unfilleted, and to store such fish whether by freezing, cold storage or any other means.

3. A person shall not, except under and in accordance with a licence under this Order, take on board, or cause or permit the taking on board, other than by direct fishing, a specified vessel, within the exclusive fishery limits of the State, fish for freezing, cold storage, salting or for preservation by any other means.

4. A licence under this Order may be granted by the Minister on receipt of an application made pursuant to Article 5 of this order on behalf of the owner, master, charterer or hirer, as the case may be, of a specified vessel.

5. Every application for a licence under this Order shall be in such form as may be approved of by the Minister and shall contain such particulars as the Minister may require.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 20th September, 1985.

6. In particular and without prejudice to the generality of Article 5 of this Order, every application for a licence under this Order shall contain the following particulars:

- (a) the name and place of registration of the specified vessel concerned;
- (b) the name and address of the owner and master of the specified vessel;
- (c) if the specified vessel is the subject of a charter or hiring agreement, particulars of the charterer or hirer, as the case may be;
- (d) particulars of the storage capacity of the specified vessel;
- (e) particulars of any agreement entered into by the owner, master, agent of the owner or master, charterer or hirer, as the case may be, of the specified vessel with any person for the supplying by any other person of fish to the specified vessel for freezing, salting or preservation by any other means.

7. A licence under this Order may be granted for such period and subject to such conditions (if any) as the Minister thinks fit and specifies in the licence.

8. Without prejudice to the generality of Article 7 of this Order, conditions attached to a licence under this Order may—

- (a) restrict the quantity or species of fish that may be taken on board, other than by direct fishing, a specified vessel during such period as may be specified;
- (b) prohibit the taking on board, other than by direct fishing, a specified vessel of fish at any place other than such place as may be specified;
- (c) require the master or other person in charge, or, as the case may be, the charterer or hirer, of a specified vessel to keep and maintain such records as may be specified in relation to the activities of that vessel and in relation to any agreements

entered into for the supplying by any other person of fish to the specified vessel for freezing, salting or preservation by any other means;

- (d) require that such records as may be specified concerning the activities of the specified vessel be forwarded to the Minister or to such officer of the Minister, or of any other Minister of the Government, as may be nominated by the Minister and specified in the licence by one or all of the following persons, that is to say, the master or other person in charge of the specified vessel, the owner of the specified vessel or his agent or, as the case may be, the charterer or hirer of the specified vessel;
- (e) prohibit the transhipment of fish to a specified vessel other than by such means as may be approved of by the Minister;
- (f) require the master or other person in charge, or, as the case may be, the charterer or hirer, of a specified vessel at all times, on a request being made in that behalf by an officer of the Minister, to permit that officer to board the specified vessel and to inspect that vessel and any records kept thereon relating to that vessel and to permit any such officer to take such copies as he may require of such records;
- (g) prohibit the taking on board a specified vessel of fish the size of which is less than such size as may be specified.

9. (1) The Minister may, in his discretion, refuse to grant a licence under this Order or may at any time amend or revoke a licence granted under this Order.

(2) Without prejudice to the generality of paragraph (1) of this Article, the Minister may —

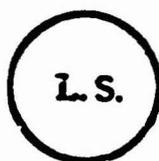
- (a) if he is satisfied that it is necessary so to do in order to limit the number of specified vessels, refuse to grant the licence;
- (b) if he is satisfied that there has been a contravention

of a condition attached to a licence granted under this Order, revoke the licence;

(c) if an application is made under this Order for a licence by or on behalf of a person who has previously held a licence which was revoked, refuse to grant the licence;

(d) revoke or vary any condition attached to a licence granted under this Order or attach, if he so thinks fit, a further condition to such licence.

10. An officer of the Minister shall not exercise his powers under this Order to board a specified vessel and thereon to inspect the vessel and any records contained therein unless he is authorised in writing in that behalf by the Minister and such officer shall, if requested by the owner or master of the specified vessel or by any other person concerned produce his authorisation to that person.



GIVEN under my Official Seal, this 13th day of September, 1985.

PADDY O'TOOLE,
Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

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

This Order prohibits the taking on board of fish, other than by direct fishing, by fish processing vessels operating in Irish waters except under and in accordance with a licence issued by the Minister for Fisheries and Forestry.