

BASS (CONSERVATION OF STOCKS) ORDER 1990

I, JOHN P. WILSON, Minister for the Marine, in exercise of the powers conferred on me by section 223A (inserted by 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 Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987)), hereby order as follows:

REG 1

1. This Order may be cited as the Bass (Conservation of Stocks) Order, 1990.

REG 2

2. This Order shall come into operation on the 1st day of July, 1990.

REG 3

3. (1) In this Order "the specified areas" means ICES Sub-area VI and Sub-area VII.

(2) 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.

(3) In this Article—

"the Communication" means the Communication from the Commission of the European Communities on the description of the ICES sub-areas and divisions used for the purposes of fisheries statistics and regulations in the North East Atlantic(1);

(1) O.J. No. 347/14 of 31-12-1985

"ICES Sub-area VI" and "ICES Sub-area VII" mean, respectively, the parts of the sea described in the Annex to the Communication and therein referred to as Sub-area VI and Sub-area VII.

REG 4

4. Neither an Irish sea-fishing boat nor a person on board an Irish sea-fishing boat shall engage in fishing for bass in the specified areas and the master of an Irish sea-fishing boat shall not cause or permit the boat or any person on board to engage in such fishing in the specified areas.

REG 5

5. It is hereby prohibited to fish or to attempt to fish for bass using nets in the specified areas.

REG 6

6. (a) An Irish sea-fishing boat shall not have bass on board within the specified areas.

(b) The master of an Irish sea-fishing boat shall not cause or permit the boat or any person on board to have bass on board within the specified areas.

REG 7

7. The master of an Irish sea-fishing boat shall not cause or permit the boat to be used within the specified areas for the transhipment of bass from a sea-fishing boat.

REG 8

8. (1) In a prosecution for an offence under Article 4 or 5 or 6 or 7 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 fishing or transhipment of bass in contravention of those Articles:

(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 bass were received on board the boat, and

(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 the time of the alleged offence it was so used.

(2) In a prosecution for an offence under this Order it shall be a defence for the defendant to prove that the bass to which the prosecution relates—

(a) were taken in the course of fishing that did not contravene this Order, or

(b) were taken outside the specified areas.

REG 9

9. No person shall, within the State, have in possession bass of size less than 40 centimetres measured from the tip of the snout to the end of the tail.

REG 10

10. The Bass (Conservation of Stocks) Order, 1987 (S.I. No. 237 of 1987), is hereby revoked.

GIVEN under my Official Seal, this 7th day of May, 1990.

JOHN P. WILSON

Minister for the Marine.