

CONTROL OF FISHING FOR MACKEREL (No. 2) ORDER 1984

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:

REG 1

1. This Order may be cited as the Control of Fishing for Mackerel (No. 2) Order, 1984.

REG 2

2. In this Order "length", in relation to a boat, means the distance from the forepart of the stem of the boat to the aft side of the head of the sternpost of the boat.

REG 3

3. A person shall not, except under and in accordance with a licence under this Order, fish for mackerel within the exclusive fishery limits of the State from an Irish sea-fishing boat exceeding 55 feet in length or cause or permit such a boat or any person on board to engage in fishing for mackerel within those limits.

REG 4

4. (a) Subject to paragraph (d) of this Article, the Minister shall, upon the application of any person who is the owner, charterer or hirer of an Irish sea-fishing boat exceeding 55 feet in length and upon being furnished by the person with any information which the Minister may reasonably require in relation to the application, grant to the person a licence authorising the fishing for mackerel within the exclusive fishery limits of the State from the boat during such period as may be specified in the licence: provided however, 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.

(b) A licence under this Order shall be subject to such conditions (if any) as the Minister thinks fit and specifies in the licence and may, without prejudice to the generality of the foregoing, include conditions—

(i) restricting the quantity of mackerel that may be taken, landed

or transhipped in a specified period or periods,
(ii) prohibiting the landing or transshipment of mackerel other than at specified places,
(iii) requiring the keeping by the master of the boat concerned of specified records in relation to the boat's activities, and
(iv) providing for entering and inspection of the boat and inspection of any records kept on the boat in relation to the boat, whether pursuant to the licence or otherwise, by an officer of the Minister and for the taking of copies of any such records by such officer.
(c) The Minister may vary or revoke a condition of a licence under this Order.
(d) The Minister may, if he so thinks fit and is satisfied that there has been a contravention of a condition of a licence under this Order, revoke the licence.
(e) Where an application for a licence under this Order is made by a person who has previously held a licence under this Order that was revoked by the Minister, the Minister may, if he so thinks fit refuse to grant the licence to the person.

REG 5

5. A person to whom a licence under this Order is granted shall not contravene a condition of the licence or cause or permit such a contravention or obstruct or interfere with an officer of the Minister in the performance of his functions under the licence or cause or permit such obstruction or interference.

GIVEN under my Official Seal, this 22nd day of October, 1984.

P. O'TOOLE,

Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

This Order prohibits fishing for mackerel within the exclusive fishery limits of the State by Irish fishing vessels exceeding 55 feet in length, except under licence issued by the Minister for Fisheries and Forestry.