

## IRISH SEA HERRING FISHING (LICENSING) ORDER 1986

I, LIAM KAVANAGH, Minister for Tourism, Fisheries and Forestry, in exercise of the powers conferred on be 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 and Forestry (Alteration of name of Department and Title of Minister) Order, 1986 (S.I. No. 40 of 1986)), hereby order as follows:

### REG 1

1. This Order may be cited as the Irish Sea Herring Fishing (Licensing) Order, 1986 and shall come into operation on the 4th day of August, 1986.

### REG 2

2. In this Order—

"the Minister" means the Minister for Tourism, Fisheries and Forestry;

"the specified area" means that part of the exclusive fishery limits of the State that lies off the eastern coast of the State between the line of latitude of 55 north and the line of latitude 50 30' north.

### REG 3

3. From the commencement of this Order a person shall not, except pursuant to and in accordance with a licence under this Order, fish for, land, tranship or have on board herring within the specified area from an Irish sea-fishing boat or cause or permit such a boat or any person on board it to fish for, land, tranship or have on board herring within the specified area.

### REG 4

4. (1) Subject to paragraph (4) 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 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 herring within the specified area from the boat during such period as may be specified in the licence: provided that the licence shall not authorise any such fishing at any time during a period when the person is not the owner, charterer or hirer of the boat.

(2) A licence under this Article shall be granted subject to such conditions (if any) as the Minister thinks fit and specifies in the licence including, without prejudice to the generality of the foregoing, conditions—

( a ) restricting the quantity of herring that pursuant to the

licence may be taken, landed or transhipped in a specified period or periods.

( b ) prohibiting the landing or transhipment of herring other than at specified places.

( c ) requiring the keeping by the master or other person in charge for the time being of the boat concerned of specified records in relation to the boat's activities, and

( d ) requiring the person to whom the licence is granted at all times on a request being made in that behalf to permit the boarding and inspection of the boat and any records kept on board the boat in relation to the boat, whether pursuant to a requirement of the licence or otherwise, by a sea fisheries protection officer and the taking of copies of any such records by such an officer.

(3) The Minister may, if he is satisfied that there has been a contravention of a condition specified in a licence under this Article, revoke the licence.

(4) Where an application for a licence under this Article is made by a person who has previously held a licence that was revoked under this Article by the Minister, the Minister may, if he so thinks fit, refuse to grant the licence to which the application relates.

(5) The Minister may at any time revoke or vary any conditions subject to which a licence under this Article is granted or attach a new condition to such a licence and in case the Minister attaches a new condition under this paragraph then, unless the condition is revoked for the purposes of Article 5 of this Order the condition shall be regarded as being specified in the licence.

## REG 5

5. (1) Subject to paragraph (2) of this Article neither a person to whom a licence under this Order has been granted, nor the master or other person who is for the time being in charge of a vessel to which such a licence relates, shall contravene a condition specified in the licence or cause or permit such a contravention.

(2) Where a licence has been granted subject to a condition described in Article 4 (2) (d) of this Order, the person to whom such licence has been granted, or the master or other person who is for the time being in charge of a vessel to which such a licence relates, shall not obstruct or interfere with a sea fisheries protection officer in exercise of any right exercisable by him by virtue of the condition or cause or permit such obstruction or interference.

GIVEN under my Official Seal, this 22nd day of July, 1986.

LIAM KAVANAGH T.D.

Minister for Tourism,  
Fisheries and Forestry.

## EXPLANATORY NOTE.

This Order permits fishing for herring by Irish Sea Fishing boats between latitude 55° north and latitude 52° 30' north off the east coast of the state from August, 1986 subject to a valid licence issued by the Minister being held on board.

