

NORTH-WESTERN HERRING FISHING (LICENSING) ORDER 1987

I, BRENDAN DALY, Minister for the Marine, 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 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 North-Western Herring Fishery (Licensing) Order, 1987, and shall come into operation on the 4th day of January, 1988.

REG 2

2. (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 Division VIa), Division VIb), Division VIIb) and Division VIIc).

(2) In this article "the Communication" means the Communication from the Commission of the European Communities on the description of the I.C.E.S. Sub-areas and Divisions used for the purposes of fisheries statistics and regulations in the North East Atlantic(1)

REG 3

3. From the commencement of this Order a person shall not, except pursuant to and in accordance with a licence granted 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.

(1)C. 140/3 of 3/6/1982.

REG 4

4. (1) Subject to paragraph (4) of this Article, the Minister may, 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 and without prejudice to the generality of the foregoing a

licence may include any of the following conditions:

- (a) restricting the quantity of herring that pursuant to the licence may be taken, landed or transhipped in a specified period,
- (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, or
- (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 inspection of 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 condition subject to which a licence under this Article is granted or attach a new condition to such licence and in the 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. Neither a person to whom a licence under this Order is 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.

GIVEN under my Official Seal, this 30th day December, 1987.
BRENDAN DALY,

Minister for the Marine.

EXPLANATORY NOTE.

With effect from 4th January, 1988 this Order prohibits fishing for herring within the specified area, landing or transhipping herring from an Irish sea-fishing boat within the specified area and having herring on board an Irish sea-fishing boat within the specified area, except under licence granted by the Minister. The specified area is ICES Divisions V1b), V11b) and V11C) (off the Northern and Western coasts of Ireland).