

SEA FISHERIES (REGULATION OF NETS) ORDER 1993

I, DAVID ANDREWS, Minister for the Marine, in exercise of the powers conferred on me by section 226 (as amended by the Fisheries (Amendment) Act, 1978 (No. 18 of 1978), and 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 Sea Fisheries (Regulation of Nets) Order, 1993, and shall come into operation on the 1st day of January, 1994.

REG 2

2. (1) In this Order—

"codend" means the rearmost part of a net, being made up of one or more panels of pieces of netting of the same mesh size attached to one another along their sides in the long axis of the net by a lacing;

"extension section" means an extension section located immediately in front of the codend and excludes any tapered part of the net;

"flapper" means a piece of netting with a mesh size at least equal to that of the codend and any extension section fastened inside a net in such a way that it allows catches to pass from the front to the rear of the net but limits their possibility of return;

"knotless netting" means netting which is composed of meshes of 4 sides forming an approximate square in which the corners of the meshes are formed by the interweaving of the twines of 2 adjacent sides of the mesh;

"net" means a trawl or similar towed net;

"the specified area" means the parts of the sea described in the Annex to the Communication and therein referred to as Division VIIa (E.C. Zone);

"square mesh panel" means a construction of netting mounted so that of the two sets of parallel lines formed by the mesh bars one set is parallel to, and the other at right angles to, the long axis of the net.

(2) In this Article—

"the Communication" means the Communication (85/C347/05) from the Commission of the European Communities on the description of the ICES sub-areas and divisions used for the purpose of fishing statistics and regulations in the north-east Atlantic;(1)

(1)O.J. C.347/1985, p. 14.

"ICES" means the International Council for the Exploration of the Sea.

(3) 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.

REG 3

3. From the 1st day of January, 1994, an Irish sea-fishing boat, or a person on board such boat in the specified area, shall not retain on board or use for fishing any net with a mesh size of 70 millimetres or more but less than 80 millimetres, unless it has incorporated in it as part of the net, a square mesh panel, which—

- (a) has a minimum mesh size of at least 75 millimetres,
- (b) is constructed in knotless netting material,
- (c) is at least 3 metres in length,
- (d) is constructed such that, at any point along the length of the panel, the number of meshes widthways across the panel is no greater than half the number of meshes widthways across the sections of the net to which the panel is attached, and
- (e) when installed is at least 90 per cent of the stretched width of the top sheet of the net at its rearmost part.

REG 4

4. The square mesh panel shall be placed—

- (a) in the topmost part of the net such that, the rearmost line of the mesh bars of the square mesh panel is situated at a distance of more than 7 metres in front of any extension section, or, in the absence of an extension section, of more than 7 metres in front of the codend section,
- (b) so that the panel is attached in such a way that the stretched length of the section of the net to which the panel is attached is the same as the stretched length of the panel,
- (c) so that, notwithstanding paragraph (a) of this Article, the rearmost line of bars of the square mesh panel is situated forward of the flapper.

REG 5

5. (1) Subject to paragraph (2) of this Article, for the purposes of this Order the mesh size of nets shall be measured in accordance with the provisions of the Commission Regulation.

(2) In the case of square mesh measurement, the method set out in Articles 2.1, 3.4 and 4 of the Commission Regulation shall not be used. Instead the net shall be stretched in the direction of each diagonal of the mesh and the measurement shall be taken of each stretched diagonal, and the size of the mesh shall be taken to be the average of those two measurements, each such measurement being the width of the gauge at the point where the gauge is stopped, while using the gauge in accordance with paragraphs 2 and 3 of

Article 2 of the Commission Regulation.

(3) In this Article "the Commission Regulation" means Commission Regulation (EEC) No. 2108/84 of 23 July, 1984 laying down detailed rules for determining the mesh size of fishing nets.(2)

(2)O.J. No. L 194 of 24.7.84, p. 22.

GIVEN under my Official Seal, this 9th day of September, 1993.

DAVID ANDREWS,
Minister for the Marine.

EXPLANATORY NOTE.

This Order prohibits Irish sea-fishing boats from carrying on board or using for fishing in the Irish Sea, a net with mesh size of 70 millimetres but less than 80 millimetres, unless it has inserted in it, a square mesh panel with a mesh size of at least 75 millimetres, with effect from 1st January, 1994.