

## WHELK (CONSERVATION OF STOCKS) ORDER 1994

I, DAVID ANDREWS, 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 Whelk (Conservation of Stocks) Order, 1994 and shall come into operation on the 16th day of September, 1994.

### REG 2

2. (1) In this Order—

"whelk" means *Buccinum undatum*;

"the specified area" means the parts of the sea described in the Annex to the Communication and therein referred to as ICES Sub-area VI and Sub-area VII;

"diameter" is the width of the shell across its broadest part and length is the longest dimension from the apex of the shell to the end of the siphonal canal.

(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.347/14 of 31/12/85.

"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 16th day of September, 1994, it shall be an offence, within the specified area, to retain on board, tranship, land, transport, store, sell, display or offer for sale any whelk whose diameter is less than 25 mm across its broadest part.

### REG 4

4. Any whelk, whose diameter is less than 25mm across its broadest part, taken in the course of fishing, shall be returned immediately to the sea.

GIVEN under my Official Seal, this 16th day of September, 1994.

DAVID ANDREWS,  
Minister for the Marine.

EXPLANATORY NOTE.

The effect of this Order is to prohibit the landing of any whelk whose diameter is less than 25 mm across its broadest part.