

SI No 322 of 2002

Sea Fisheries (Gill Net Tuna And Certain Other Species Fishing) Order, 2002

I, Dermot Ahern, Minister for Communications, Marine and Natural Resources, 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 by Section 224B (inserted by Section 10 of the Fisheries (Amendment) Act, 1978 (No.18 of 1978) and amended by Section 5 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 Marine and Natural Resources (Alteration of name of Department and Title of Minister) Order, 2002 (S.I.No. 307 of 2002)), for the purpose of giving effect to Council Regulation (EC) No. 1239/98 of 8 June, 1998¹, and to that part of Annex IF of Council Regulation 2555 /2001² of 18th December, 2001 which refers to Northern Albacore (*Germo alalunga*) hereby order as follows:

1. This Order may be cited as the Sea Fisheries (Gill Net Tuna and Certain Other Species Fishing) Order, 2002.

2. In this Order -

“tuna” means Albacore (*Thunnus alalunga*) listed in Annex VIII to the Council Regulation and Northern Albacore (*Germo alalunga*) referred to in Annex 1F of Council Regulation 2555/2001;

“the Annex” means Annex VIII to the Council Regulation;

1. O.J.No.L 171,17.6.1998 .p.1

2. O.J. No.L 347, 31.12.2001.p.1

“the Council Regulation” means Council Regulation (EC) No. 894/97 of 29 April, 1997², as amended by Council Regulation (EC) No. 1239/98 of 8 June, 1998¹, and any future regulation of the Council of the European Union made after the making of this Order which amends, extends, replaces or consolidates (with or without modifications) the Council Regulation (as defined herein);

“gill nets” means any type of gill nets, driftnets, bottom set gill nets, trammel nets and entangling nets;

“the Minister” means the Minister for Communications, Marine and Natural Resources.

3. (1) The master, owner, charterer or hirer of an Irish sea-fishing boat shall comply with Articles 11 and 11a of the Council Regulation both within and outside the exclusive fishery limits of the State.
 - (2) The master, owner, charterer or hirer of an Irish sea-fishing boat shall not cause or permit a person on board the boat to fail to comply with Articles 11 and 11a of the Council Regulation both within and outside the exclusive fishery limits of the state.
 - (3) The master owner, charterer or hirer of a foreign sea-fishing boat, within the exclusive fishing limits of the State, shall comply with Articles 11 and 11a of the Council Regulation.

1. O.J.No.L171,17.6.98,p.1

2. O.J.No.L132,23.5.97,p1

- (4) The master, owner, charterer or hirer of a foreign sea-fishing boat shall not cause or permit a person on board the boat, within the exclusive fishery limits of the State, to fail to comply with Articles 11 and 11a of the Council Regulation.
- 4 (i) Neither an Irish sea-fishing boat nor a person on board an Irish sea-fishing boat within the exclusive fishery limits of the State, shall fish with gill nets for the species listed in the Annex or for Northern Albacore and the master of an Irish sea-fishing boat within the exclusive fishery limits of the State shall not cause or permit the boat or any person on board to fish with gill nets for the species listed in the Annex or for Northern Albacore.
- (ii) Neither an Irish sea-fishing boat nor a person on board an Irish sea-fishing boat outside the exclusive fishery limits of the State shall fish with gill nets for the species listed in the Annex or for Northern Albacore and the master of an Irish sea-fishing boat outside the exclusive fishery limits of the State shall not cause or permit the boat or any person on board to fish with gill nets for the species listed in the Annex or for Northern Albacore.
5. The following Order is hereby revoked:
- Sea Fisheries (Gill Net Tuna and Certain Other Species Fishing) Order, 2001
(S.I. No. 226 of 2001)

LS

GIVEN under my Official Seal,

This 25th day of June , 2002

Dermot Ahern Minister for Communications

Marine and Natural Resources.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

The effect of this Order is to provide for the prohibition of gill net fishing for tuna and other species.

(PN 11803)

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