

SI No 179 of 2002

Crawfish (Fisheries Management and Conservation) Order, 2002

I Frank Fahey, Minister for the 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 the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977) as adapted by the Marine (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 301 of 1997), hereby order as follows:

1.
 - (1) This Order may be cited as the Crawfish Conservation Order, 2002
 - (2) This Order shall come into operation on the 7th day of May, 2002.

2.

In this Order - "Crawfish" means *Palinurus* spp.

"Fishing nets" means any type of fishing net.

The "Specified areas" mean the geographical areas as described in Article 3 (a) and 3 (b) of this order

3.

Neither an Irish sea fishing boat nor a person on board an Irish sea fishing boat shall fish or attempt to fish, have on board, land or attempt to land crawfish caught by means of fishing nets in the following geographical areas:

 - (a) within the geographical area bounded by the following co-ordinates:
 - a point on the west coast of Ireland at latitude 53° 48' 00" N
 - latitude 53° 48' 00" N, longitude 16° 00' 00" W,
 - latitude 53° 28' 00" N, longitude 16° 00' 00" W, to
 - a point on the west coast of Ireland at latitude 53° 28' 00" N

(b) within the geographical area bounded by a straight line between the following points

- the point on the west coast of Ireland at latitude 52° 30' 00" N
- latitude 52° 30' 00" N, longitude 10° 12' 00" W
- latitude 52° 13' 30" N, longitude 10° 12' 00" W
- latitude 52° 13' 30" N, longitude 9° 44' 00" W, to
- the point first mentioned

4. (1) In a prosecution for an offence under Article 3 of this Order the following shall be prima facie evidence that the sea-fishing boat concerned was, at the time of the alleged offence, used for the fishing of Crawfish by means of a fishing net in one of the specified areas:

(a) evidence that such sea-fishing boat had on board a fishing net or nets on the day that Crawfish were taken on board the boat, and

(b) any admission by the master or other person in charge, or another member of the crew of such sea-fishing boat, that at the time of the alleged offence it was so used.

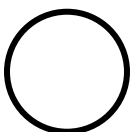
(2) in a prosecution for an offence under this Order it shall be a defence for the defendant to prove that the Crawfish to which the prosecution relates

- (a) were taken in the course of fishing that did not contravene this Order, or
- (b) were taken outside the specified area.

5. For the purpose of enforcement of this Order, the provisions of Section 233 (amended by section 11 of the Fisheries (Amendment) Act, 1978 (No. 18 of 1978) of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) are deemed to apply.

Given under my Official Seal

This 1st day of May 2002.



LS

Frank Fahey

Minister for the 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 introduce a ban on the taking of Crawfish by means of fishing nets in two specified areas off the Galway and Kerry coast.

(P.N.11562)

Published by Stationery Office, Dublin.