

SI No 156 of 2002

Herring (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. This Order may be cited as the Herring (Fisheries Management and Conservation) Order, 2002 and shall come into operation at 4pm on the 23rd day of April, 2002 .
2. In this Order “the specified area” means ICES Sub-area Vb, ICES Sub-area VIa South of 56°00’N and west of 07°00’W and ICES Sub-area VIa North of 56°00’N and in that part of VIa which is situated east of 07°00’W and north of 55°00’N, excluding the Clyde, ICES Sub-area VIb and ICES Sub-area VIIbc .
3. Neither an Irish Sea Fishing boat nor a person on board an Irish Sea Fishing boat shall engage in fishing for herring in the specified area and the master of an Irish sea-fishing boat shall not cause or permit the boat or any person on board to engage in such fishing.
4. (1) An Irish sea-fishing boat shall not have herring on board in the specified area .

(2) The master of an Irish sea-fishing boat shall not cause or permit the boat or any person to have herring on board in the specified area.

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5. (1) An Irish sea-fishing boat shall not be used for the landing or transhipment of herring in the specified area.

(2) The master of an Irish sea-fishing boat shall not cause or permit the boat to be used in the specified area for the landing or transhipment of herring.
6. (1) In a prosecution for an offence under Article 5 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 transhipment or landing of herring in contravention of that Article;

- (a) evidence that such sea-fishing boat had on board any books, papers or other documents from which it appears to the Court that on the day on which the offence is alleged to have been committed, herring were received on board otherwise than in the course of fishing or herring were landed or transhipped from the boat,
 - (b) any admission by any person who is for the time being the master or other person in charge, or another member of the crew, of such sea-fishing boat that at such time she was so used;
 - (c) any other matter from which it so appears that such sea-fishing boat was so used or which in the opinion of the Court suggests, or tends to suggest, that such sea-fishing boat was so used;
- (2) In a prosecution for an offence under Article 4 of this Order it shall be a defence for the defendant to prove that the herring to which the prosecution relates -

- (a) were taken in the course of fishing that did not contravene Article 3 of this Order,
 - (b) were taken outside the specified area.
- or

7. Notwithstanding anything contained in this Order, an Irish sea-fishing boat may have herring on board and land or tranship herring in the specified area if the herring were taken in the course of fishing for other species, and were inextricably mixed with catches of other species and did not exceed 5 per cent by weight of the total catch.

**GIVEN under my Official Seal,
This 23 rd day of April, 2002.**



F RANK 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).

This Order prohibits fishing for, transshipping, landing or having on board herring by Irish sea-fishing boats in ICES Divisions Vb, VIaS, VIaN, VIb, VIIbc with effect from 4pm on the 23rd April, 2002.

This order allows for a 5% by-catch of herring.

(PN. 11513)

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