
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 350

**The Sea Fishing (Restriction on Days
at Sea) Order (Northern Ireland) 2005**

PART 3

SOLE

Absences from port

14.—(1) A person in charge of a Northern Ireland fishing boat carrying regulated gear which, at any time in the Annex IV year, either

- (a) contravenes point 8 of Annex IVc; or
- (b) subject to any adjustments made under this Article for the purposes of Annex IVc, during a management period is absent from port in the sole recovery zone in excess of the number of days permitted to it under point 6(a) of Annex IVc,

is guilty of an offence.

(2) In addition to the number of days of absence from port permitted under point 6(a) of Annex IVc applicable to the Northern Ireland fishing boat in accordance with any regulated gear that it carries, for each calendar month the Department may allocate to the boat a proportion of such number of days as may be allocated to the United Kingdom under point 6(c) of Annex IVc.

(3) Where in respect of a management period established for it days have been transferred from one British fishing boat (“the donor”) to another British fishing boat (“the recipient”) under Article 16 for the purposes of point 9 of Annex IVc where either the donor or the recipient is, or both are, a Northern Ireland fishing boat, the following shall apply –

- (a) the donor shall have deducted from its allocation of days such number of days as have been transferred to the recipient; and
- (b) the recipient shall have added to its allocation of days such number of days as have been transferred by the donor.

(4) Where on any day during a management period any regulated gear is at any time affixed to a Northern Ireland fishing boat and one or more other fishing boats whilst they are in the sole recovery zone that day shall be deducted from each boat’s allocation.

(5) Where a Northern Ireland fishing boat was absent from port in the sole recovery zone carrying regulated gear in excess of its allocation of days in respect of a previous management period, there shall be deducted from the next management period the number of days during which the boat was so absent.

(6) Where a management period includes all or any part of the first stage, any number of days spent absent from port in that period in the sole recovery zone carrying regulated gear by a Northern Ireland fishing boat shall be deducted from the allocation of days for that period.

(7) Where during the management period or periods a Northern Ireland fishing boat was absent from port in the circumstances as set out in point 12 of Annex IVc, the person in charge of the

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Northern Ireland fishing boat shall apply to the Department for an adjustment of the allocation of days in respect of those circumstances.

(8) For the purposes of paragraph (2) and (6), where additional days are allocated by the Department to a Northern Ireland fishing boat, the allocation does not have effect until the person in charge of the fishing boat is notified of the allocation by the Department.