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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 350**

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

**PART 3**

**SOLE**

**Establishment of management periods**

**13.**—(1) Management periods for a Northern Ireland fishing boat, as referred to in point 6(b) of Annex IVc, shall be determined and notified by the person in charge of the boat, as follows:

- (a) the base unit for determination of management periods shall be one month;
- (b) each management period may be determined in multiples of the base unit from 1 to 11 calendar months; and
- (c) the determination of each management period must be notified to the Department at the same time as any notification under Article 15;

and they are established by that determination and notification unless point 11 of Annex IVc applies to the boat, in which case they are established by confirmation of that determination and notification by the Department of Agriculture and Rural Development taking that point into account.

(2) The person in charge of a Northern Ireland fishing boat may aggregate the days allocated for each calendar month as set out in point 6 of Annex IVc for being present within the area and absent from port, within management periods.

(3) Where a management period covers any of the first stage –

- (a) a notification given to the Department (whether after or in anticipation of the coming into operation of this Order) covering a management period including all or any part of the first stage and any grouping of gears for the period shall be treated as meeting the requirement of paragraph (1)(c) but with the management period counting as the start of the second July stage and ending as notified; and
- (b) the second July stage counts as one month and shall accordingly be treated as a single base unit.

(4) In paragraph (3) and Article 14(6) “the first stage” means the period starting with 1st February 2005 and ending immediately before the date on which this Order comes into operation and in paragraph (3) “the second July stage” means the remainder of July 2005.

(5) The person in charge of a Northern Ireland fishing boat which, at any time during the Annex IV year, is absent from port in the sole recovery zone carrying regulated gear for which a management period has not been established as provided in paragraph (1), is guilty of an offence.

### **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 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.

### **Carriage and operation of fishing gears**

**15.—(1)** The person in charge of a Northern Ireland fishing boat which fishes or deploys regulated gear in contravention of any requirement of point 7 of Annex IVc is guilty of an offence.

(2) Where point 7 of Annex IVc requires notification or prior notice it must, in the case of a Northern Ireland fishing boat, be given to the Department of Agriculture.

(3) The person in charge of a Northern Ireland fishing boat which carries fishing gear on board in contravention of point 10 of Annex IVc is guilty of an offence.

### **Transfer of days from one boat to another**

16.—(1) Unused days may be transferred from one British fishing boat (“donor”) to another British fishing boat (“recipient”) in accordance with point 9 of Annex IVc where either the donor or the recipient is, or both are, a Northern Ireland fishing boat.

(2) A transfer under paragraph (1) is only effective if, where the donor is a Northern Ireland fishing boat, a written notification of transfer, signed by the donor’s owner (or, as the case may be, each part owner), is sent to the Department of Agriculture and Rural Development before the end of the management period in relation to which the transfer is to take effect, and contains all the following particulars:

- (a) the name and PLN and RSS number of the donor;
- (b) the management period and any grouping of regulated gear to which the transfer relates;
- (c) the name and PLN and RSS number of each recipient;
- (d) the number of days transferred to each recipient;
- (e) a declaration to the effect that the donor is entitled to make the transfer; and
- (f) the date of signature.

(3) A person who makes a false declaration in a notification under paragraph (2) is guilty of an offence.

(4) For the purpose of this Article –

- (a) “name” in relation to a fishing boat which is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995, means its registered name as referred to in regulation 30 of the Merchant Shipping (Registration of Ships) Regulations 1993; and
- (b) the requirement for a notification to contain PLN and RSS numbers applies only in relation to a fishing boat which is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995, and those numbers are respectively its port number and its official number within the meaning of regulation 31 of the Merchant Shipping (Registration of Ships) Regulations 1993.

### **Transport of sole**

17. Where any quantities of sole are transported, during the Annex IV year, in contravention of point 20 of Annex IVc, the owner or hirer of, and the person responsible for, the vehicle used to transport the sole is guilty of an offence.

### **Mixing of species**

18. A person in charge of –

- (a) a Northern Ireland fishing boat, or
- (b) a British (other than Northern Ireland) or foreign fishing boat within the Northern Ireland zone

on which quantities of sole greater than 50kg are stowed or retained during the Annex IV year in contravention of point 17 of Annex IVc, is guilty of an offence.

### **Transshipment or landing relating to third countries**

19.—(1) The person in charge of a British or foreign fishing boat to which point 15 of Annex IVc applies, which, during the Annex IV year, fails to provide information as required by that point, is guilty of an offence.

(2) For the purpose of paragraph (1), the Department of Agriculture and Rural Development is the person to whom that information is to be provided.

### **Weighing of sole**

**20.**—(1) The person in charge of a British or foreign fishing boat shall ensure that any quantity of sole exceeding 300kg caught in the sole recovery zone shall be weighed using auction room scales in accordance with point 18 of Annex IVc.

(2) If the person in charge of a British or foreign fishing boat fails to comply with paragraph (1) they shall be guilty of an offence.

### **Recording information on catches of fish**

**21.** The person in charge of a Northern Ireland fishing boat or foreign fishing boat in respect of which the 8% margin of tolerance referred to in point 16 of Annex IVc is exceeded during the Annex IV year, is guilty of an offence.

### **Maintenance of logbooks**

**22.**—(1) An entry shall be made in a logbook of any Northern Ireland fishing boat which is absent from port (on a trip which includes any period in the sole recovery zone) carrying regulated gear but not fishing as specified in Article 6 of Regulation 2847/93, in respect of each particular gear which would be required to be entered by that Article (as amplified by Regulation 2807/83) were the boat so fishing, and such an entry shall state the type of fishing gear carried.

(2) Such an entry shall be made –

- (a) daily, but not later than midnight in respect of each day;
- (b) at the time of arrival in port;
- (c) at the time of any inspection at sea; and

(d) at the time that an effort report is made as required by Article 19e.3 of Regulation 2847/93, and the requirements of those Regulations for handing over and dispatch of logbook entries shall apply to the entries required by this Article as they apply to other entries.

(3) Where a Northern Ireland fishing boat is absent from port and paragraph (1) requires a logbook entry to be made in respect of that absence, the logbook entries shall be handed over and dispatched as if landing were made at the time of the boat's arrival in port.

(4) Where in relation to any time in the Annex IV year there is, in respect of a Northern Ireland fishing boat, a failure to make an entry required by this Article, or to comply with requirements for handing over and dispatch referred to in this Article, the person in charge of that fishing boat is guilty of an offence.