

## Sea Fishing Boat Licensing Policy

**To: Registrar General**

**From: Minister of State at the Department of Agriculture, Fisheries and Food.**

### Policy Directive 1 of 2011

A Policy Directive under section 3(2) of the Fisheries (Amendment) Act 2003, as amended by section 99 of the Sea Fisheries and Maritime Jurisdiction Act 2006, is issued which provides for the following:

- (1) The Department of Agriculture, Fisheries and Food will determine, in accordance with my policy for mackerel quota of 8 October 2010, as clarified and amended by my communication to the producer organisations of 29 October 2010, which polyvalent vessels, or off-register polyvalent capacity, will qualify for classification as 'Tier 1' or 'Tier 2'. These determinations will be notified to the Licensing Authority. The Licensing Authority shall note these determinations and separately 'ring-fence' Tier 1 and Tier 2 vessels and capacity within the polyvalent segment of the fleet.
- (2) In relation to the Tier 1 and Tier 2 ring-fenced portions of the polyvalent segment of the fleet, the following rules shall apply in relation to the transfer of capacity:
  - A. A vessel licensed in the Tier 1 ring-fenced portion of the polyvalent segment must continue to have 100% capacity eligible for its respective Tier. A vessel licensed in Tier 2 must continue to have 100% capacity eligible for its own Tier or Tier 1.
  - B. The transfer of capacity may not result in an increase in the number of vessels eligible for inclusion in the Tier 1 ring-fenced portion of the polyvalent segment. Similarly, transfer of capacity may not result in an increase in the number of vessels eligible for inclusion in the Tier 2 ring-fenced portion of the polyvalent segment, except in the situation outlined in paragraph D.
  - C. Where the owner of:
    - (i) a vessel licensed in either the Tier 1 or Tier 2 ring-fenced portion of the polyvalent segment; or
    - (ii) off-register capacity that has been determined as qualifying for classification as Tier 1 or Tier 2, in accordance with section (1),

proposes to transfer a portion of that capacity, he or she shall advise the Department and the Licensing Authority if the entitlement to be licensed in the Tier 1 or Tier 2 ring-fenced portion of the polyvalent segment, as the case may be, is also being transferred and if so, the identity of the one single vessel acquiring that entitlement. Alternatively, the owner may retain the entitlement to be licensed in the Tier 1 or Tier 2 ring fenced portion, as the case may be, if he or she retains ownership of a portion of the qualifying capacity. A nomination by the owner to transfer the entitlement to be licensed in Tier 1 or Tier 2 is fixed and shall be attached to the nominated capacity.
  - D. Capacity from both the Tier 1 and Tier 2 ring-fenced portions of the polyvalent segment may be assigned to a single vessel, subject to compliance with the existing policy on segmentation specified in section D of Policy Directive 1 of 2006. A vessel, the total capacity of which is a combination of capacity from Tier 1 and Tier 2, shall not be licensed in the Tier 1 ring-fenced portion of the polyvalent segment. Subject to Paragraph B, and notwithstanding paragraph F, such

a vessel may be licensed in the Tier 2 ring-fenced portion, provided it has capacity with an entitlement to be licensed in either the Tier 1 or 2 ring-fenced portion (in accordance with paragraph C).

- E. Following a transfer of Tier 1 capacity in accordance with paragraph C, Tier 1 capacity which has not acquired an entitlement to be licensed in the Tier 1 ring-fenced portion, or Tier 1 capacity assigned to a vessel licensed in the Tier 2 ring-fenced portion, shall retain its eligibility for the Tier 1 ring-fenced portion, but without Tier 1 mackerel quota entitlements, and may subsequently be re-introduced to the Tier 1 ring-fenced portion of the segment with its original entitlements, subject to being combined with other Tier 1 capacity carrying an entitlement to be licensed in Tier 1.
  - F. Following a transfer of Tier 2 capacity in accordance with paragraph C, Tier 2 capacity which has not acquired an entitlement to be licensed in the Tier 2 ring-fenced portion of the polyvalent segment shall retain its eligibility for the Tier 2 ring-fenced portion, but without Tier 2 mackerel quota entitlements, and may subsequently be re-introduced to the Tier 2 ring-fenced portion of the segment with its original entitlements, subject to being combined with other Tier 2 capacity that has acquired an entitlement to be licensed in the Tier 2 ring fenced portion.
  - G. Following a transfer of Tier 1 or Tier 2 capacity in accordance with paragraph C, any such capacity that is assigned to a vessel in combination with non-Tier 1 or non-Tier 2 capacity shall not be licensed in the Tier 1 or Tier 2 ring-fenced portion of the polyvalent segment, as the case may be. That Tier 1 or Tier 2 capacity shall retain its eligibility for its respective Tier, but without mackerel quota entitlements, and may subsequently be re-introduced to its respective Tier with its original entitlements, subject to being combined with other eligible capacity that has acquired an entitlement to be licensed in the Tier 1 or Tier 2 ring fenced portion, as the case may be.
  - H. Capacity eligible for the Tier 1 or Tier 2 ring-fenced portions of the polyvalent segment that is lost in accordance with section E of Policy Directive 2/2003 shall also lose its eligibility for its respective Tier.
- (3) Polyvalent vessels under 18 metres in length overall, excluding the potting sub-segment, will be entitled to be licensed without a mackerel preclusion.
- (4) Polyvalent vessels equal to or greater than 18 metres in length overall, that are not licensed in Tier 1 or Tier 2, will be precluded from fishing for mackerel.
- (5) Sections A and B of Policy Directive 1 of 2008 are deleted and replaced by the following:
- A. The moratorium on 'active pelagic' track record, already in existence for certain previous years for the purpose of licensing without a herring and mackerel-preclusion, will be extended for the purpose of licensing without a herring-preclusion only to 2009 and 2010. Polyvalent boats which did not fish for herring and/or mackerel between 2002 and 2010 inclusive will not be considered as having had a break in their 'active pelagic' track record for the purpose of licensing without a herring-preclusion.
  - B. Polyvalent boat owners may have 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 excluded from the determination of 'active pelagic' fishing history for replacement capacity purposes. Polyvalent boat owners would also have the option to have any of these years included for the purposes of 'active pelagic' track record, subject to their having fished for herring and/or mackerel for a minimum period of 8 weeks in each of those years.;
- (6) Section A of Policy Directive 1 of 2006 is amended by substituting the following for the second paragraph of that Section -
- "The polyvalent segment will be broken into four sub-segments, as follows -
- (i) the potting sub-segment,

- (ii) vessels equal to or more than 10 metres in overall length that carried out scallop fishing activity<sup>1</sup> for at least 50 days at sea in the two and a half years to 30 June 2005, as verified by records held by the Department – the “scallop sub-segment”,
- (iii) other vessels less than 18 metres in length overall,
- (iv) other vessels equal to or greater than 18 metres in length overall.”

(7) Section D of Policy Directive 3 of 2004 is deleted;

(8) Section F of Policy Directive 2 of 2003 is deleted;



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Minister of State at the Department of Agriculture, Fisheries and Food

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<sup>1</sup> ‘scallop fishing activity’ means the use, on any particular occasion, of dredges resulting in the retention on board or landing of a quantity in kilograms live weight of scallop (*pecten maximus*) greater than 80 per cent of the total quantity in kilograms live weight of all other marine organisms retained on board or landed on that occasion.

## **Sea Fishing Boat Licensing Policy – Policy Directive 1/2010**

### **Objective and Reasons for Policy Directive 1/2010**

#### **Legal Basis**

The Minister is empowered, under Section 3 of the Fisheries (Amendment) Act 2003, to give written policy directives to the independent Licensing Authority established under the Act.

#### **Reasons for Policy Directive 1/2010**

This Policy Directive is intended to give effect to the fleet policy measures announced by the Minister on 8 October 2010, as clarified and amended by my communication to the producer organisations of 29 October 2010, in association with a new policy for the distribution of polyvalent mackerel.

This Policy Directive provides for the amendment of Section A of Policy Directive 1 of 2006, the deletion of Section D from Policy Directive 3 of 2004, the deletion of Section F from Policy Directive 2 of 2003, the deletion of Sections A and B of Policy Directive 1 of 2008 and the introduction of new or amending provisions.

The Policy Directive also addresses a number of additional matters. The Minister's new policy on polyvalent mackerel quota allocation will see polyvalent vessels with a qualifying track record in mackerel fishing have this track record associated with the vessels' capacity, so that entitlement to polyvalent mackerel quota, in accordance with that polyvalent mackerel policy, transfers with that capacity. Two new Tiers within the polyvalent segment are created, Tier 1 and Tier 2. Licensing in these Tiers will confer entitlements to mackerel quota, in accordance with the Minister's new policy. Certain rules relating to transfer of Tier 1 and Tier 2 capacity within the polyvalent segment of the fleet are specified.

The Policy Directive removes the requirement for polyvalent vessels to maintain an 'active pelagic' track record in order to be licensed to fish for mackerel. All polyvalent vessels under 18m in length overall, excluding the potting sub-segment, may be licensed without a mackerel preclusion. Vessels equal to or over 18m in length overall that are not licensed in Tier 1 or Tier 2 are precluded from fishing for mackerel.

The 'active pelagic' requirement continues for herring fisheries. The moratorium on 'active pelagic' history is extended to the years 2009 and 2010 for herring fisheries. The moratorium already applies to the years 2002 to 2008 and means that vessels that did not fish for herring or mackerel in those years will not be considered to have broken their 'active pelagic' record.

Lastly, this Directive removes the restriction on polyvalent vessels having refrigerated seawater tanks. Previously, the limited number of polyvalent vessels with such tanks was a 'ring-fenced' sub-segment of the polyvalent segment. A separate sub-segment is no longer necessary with the lifting of the prohibition.