



STATUTORY INSTRUMENTS

S.I. No. 31 of 2009



SEA-FISHERIES (CONTROL OF CATCHES) REGULATIONS 2009

(Prn. A9/0151)

SEA-FISHERIES (CONTROL OF CATCHES) REGULATIONS 2009

I, TONY KILLEEN, Minister of State at the Department of Agriculture, Fisheries and Food, in exercise of the powers conferred on me by sections 3 and 14 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) and the Sea-Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 705 of 2007)) and the Agriculture, Fisheries and Food (Delegation of Ministerial Functions) (No. 4) Order 2008 (S.I. No. 292 of 2008), for the purpose of giving full effect to Council Regulation (EC) No. 1342/2008 of 18 December 2008¹ and Council Regulation (EC) No. 43/2009 of 16 January 2009², hereby make the following regulations—

1. These Regulations may be cited as the Sea-Fisheries (Control of catches) Regulations 2009.

2. (1) In these Regulations—

“Cod Regulation” means Council Regulation (EC) No. 1342/2008 of 18 December 2008;

“Quotas Regulation” means Council Regulation (EC) No. 43/2009 of 16 January 2009.

(2) A word or expression that is used in the Cod Regulation or in the Quotas Regulation and is also used in these Regulations has, in these Regulations, the same meaning as in the Cod Regulation or in the Quotas Regulation.

3. A person shall not contravene the Cod Regulation or the Quotas Regulation relating to-

(a) a sea-fishing boat within the exclusive fishery limits of the State,

(b) an Irish sea-fishing boat wherever it may be,

(c) buying, handling, weighing, trans-shipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State, or

(d) any other obligation imposed by the Cod Regulation or the Quotas Regulation, other than an obligation imposed on the State.

¹O.J.L 348 of 24.12.2008,p. 20.

²O.J. L 22 of 26.1.2009, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th February, 2009.*

4. (1) A person, in purporting to give a notification or a report required by the Cod Regulation or Quotas Regulation, shall not give information that is false or misleading.

(2) A person shall not contravene paragraph (1).

5. The ports in the State designated for the purposes of Article 25 of the Cod Regulation are Clogherhead, Dunmore East, Greencastle, Howth, Killybegs and Ros a Mhíl.

6. For the purposes of point 5 of Annexe IIA to the Quotas Regulation, in respect of an Irish sea-fishing boat, a day present within an area specified in Article 3 of the Cod Regulation or at point 3 of Annex IIA to the Quotas Regulation commences when the sea-fishing boat—

(a) leaves a port within the area, or

(b) otherwise enters the area.

7. (1) Information required by the Cod Regulation or the Quotas Regulation shall be communicated to the Fisheries Monitoring Centre, Naval Base, Haulbowline, Co. Cork, by telephone (+353 21 437 8752 or 1890 252081), facsimile (+353 21 437 8096) or electronic mail (nscstaff@eircom.net).

(2) A certificate purporting to be signed by an officer of the Naval Service and to certify that on a specific day or days or during the whole of a specified period information required by the Cod Regulation the Quotas Regulation to be communicated was not received by the Fisheries Monitoring Centre is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Naval Service, evidence, unless the contrary is shown, of the matters stated in the certificate.

8. If, in proceedings in which a contravention of these Regulations is alleged, it is proved that—

(a) fishing gear specified in the Cod Regulation or point 4 of Annex IIA to the Quotas Regulation were found on board a sea-fishing boat, other than as provided for in the Cod Regulation or the Quotas Regulation, and

(b) at the time when the fishing gear was found the sea-fishing boat was in an area specified in Article 3 of the Cod Regulation or at point 3 of Annex IIA to the Quotas Regulation,

it is presumed until the contrary is proved that all fishing gear specified in the Cod Regulation or Appendix I to Annex IIA to the Quotas Regulation were deployed in an area specified in Article 3 of the Cod Regulation or at point 3 of Annex IIA to the Quotas Regulation.

9. (1) In proceedings for an offence, evidence of an act of the institutions of the European Communities may be given by production of a copy of the act

certified by an officer of the Minister to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(2) Paragraph (1) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

10. The Sea-Fisheries (Control of catches) Regulations 2008 (S.I. No. 22 of 2008) and the Sea-Fisheries (Fishing for Cod) Regulations 2008 (S.I. No. 45 of 2008) are revoked.

GIVEN under my Hand,
30 January 2009

TONY KILLEEN.
Minister of State at the Department of Agriculture, Fisheries
and Food.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations provide for the provisions of Council Regulation (EC) No. 43/2009 of 16 January fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and, for Community vessels, in waters where catch limitations are required. These Regulations also provide for the provisions of Council Regulation (EC) No. 1342/2008 of 18 December 2008 which, together with Annex IIa of Council Regulation (EC) No. 43/2009, establishes, for fishing vessels greater than 10 metres in overall length and operating in certain waters, a fishing effort limitation scheme in the context of the recovery of certain fish stocks.

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