

**SEA FISHERIES (MARKING AND DOCUMENTATION OF SEA-FISHING BOATS)
ORDER 1987**

I, BRENDAN DALY, Minister for the Marine, 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 Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987)), hereby order as follows:

REG 1

1. (1) This Order may be cited as the Sea Fisheries (Marking and Documentation of Sea-Fishing Boats) Order, 1987.
- (2) This Order shall come into operation on the 1st day of October, 1987.

REG 2

2. In this Order "the Commission Regulation" means Commission Regulation (E.E.C.) No. 1381/87 of 20th May, 1987, and any further regulation of the Commission of the European Communities made after the making of this Order, which amends the said Commission Regulation.
10.J. No. L 132/9, 21/5/87.

REG 3

3. The provisions of the Commission Regulation (being measures establishing detailed rules concerning the marking and documentation of sea-fishing boats) in so far as they relate to the State, including the exclusive fishery limits of the State, or to an Irish sea-fishing boat, or to any other sea-fishing boat flying the flag of or registered in a Member State of the European Communities, are hereby prescribed and adopted and, accordingly, any infringement of any provision of the Commission Regulation within those limits (or, as the case may be, within the State), or any such infringement, whether or not within the said limits and whether or not within the State, in relation to an Irish sea-fishing boat or by a person on board an Irish sea-fishing boat, after the commencement of this Order, shall be an infringement of this Order.

REG 4

4. Where in any proceedings in which there is alleged a contravention of this Order each of the following shall be prima facie evidence that the sea-fishing boat concerned was, at the time of the alleged offence, registered in a particular Member State (including the State):
 - (1) evidence that at or about the time of the alleged offence such sea-fishing boat wore the ensign or national flag of that Member

State;

(2) evidence that at or about such time such sea-fishing boat had marked on her stern the name of a port or other place in that Member State;

(3) evidence that at or about such time such sea-fishing boat had on board any books, papers or other documents from which it appears to the court that at such time she was so registered;

(4) 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 she was at such time so registered;

(5) any other matter from which it so appears that such sea-fishing boat was so registered or which in the opinion of the court suggests, or tends to suggest, that such sea-fishing boat was so registered.

GIVEN under my Official Seal, this 30th day of September, 1987.

BRENDAN DALY,
Minister for the Marine.

EXPLANATORY NOTE.

The effect of this order is to prescribe and adopt Commission Regulation (EEC) No. 1381/87 which establishes certain rules for the marking and documentation of fishing vessels, and any future amendment of this regulation.