

**SI No 331 of 2003**

**SEA FISHERIES (CONSERVATION AND RATIONAL EXPLOITATION OF COD  
IN THE IRISH SEA) REGULATIONS 2003**

I, Dermot Ahern, Minister for Communications, Marine and Natural Resources, in exercise of the powers conferred on me by section 224B (inserted by section 5 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 Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 307 of 2002)) for the purpose of giving effect to Council Regulation (EC) No. 2549/2000 of 17 November 2000<sup>(1)</sup>, as amended, hereby make the following Regulations:

<sup>(1)</sup> O.J.L 292/5 of 21.11.00

1. (1) These Regulations may be cited as the Sea Fisheries (Conservation and Rational Exploitation of Cod in the Irish Sea) Regulations 2003.

(2) These Regulations come into operation on 23 July 2003.

2. (1) In these Regulations, unless the context otherwise requires -  
"cod" means *Gadus morhua*;

"Council Regulation" means Council Regulation (EC) No. 2549/2000 of 17 November, 2000<sup>(1)</sup> as amended by Council Regulation (EC) No. 1456<sup>(2)</sup> of 16 July 2001 and any future Regulation of the Council made after the making of these Regulations which amends, extends, replaces or consolidates (with or without modification) the Council Regulation (as defined herein);

<sup>(2)</sup> O.J.L 194/1 of 18.7.01

<sup>(1)</sup> O.J.L 292/5 of 21.11.00

"the Irish Sea" means ICES Division VIIa as defined in Council Regulation (EEC) No. 3880/91<sup>(3)</sup> of 17 December 1991.

<sup>(3)</sup> O.J.L365/1 of 31.12.91

(2) A word or expression that is used in these Regulations and is also used in the Council Regulation has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Council Regulation.

3. The provisions of the Council Regulation (being measures for the recovery of the stocks of cod in so far as they relate to the exclusive fishery limits of the State are hereby prescribed and adopted and accordingly any infringement of the Council Regulation within these limits) after the commencement of these Regulations, shall be an infringement of these Regulations.

4. In a prosecution for an infringement of the Council Regulation in respect of which provision is made in the Council Regulation for an exclusion, qualification, or exception to, the relevant obligation imposed by the Council Regulation which would be capable of constituting a defence to the charge, it shall be for the person charged to establish any such defence and it shall be presumed, until the contrary is proved, that there is no such defence in the particular case.

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

(a) fish were found on board a sea-fishing boat, and

(b) at the time when the fish were so found the sea-fishing boat concerned was within the Irish Sea,

it shall be presumed until the contrary is proved that all of the fish so found were taken within the Irish Sea.

6. The mesh size of nets and the thickness of twines shall be measured for the purposes of these Regulations in accordance with the provisions of Commission Regulation (EC) No. 129/2003<sup>(4)</sup> of 24 January, 2003 and any future Regulation of the Commission which amends, extends, replaces or consolidates (with or without modification) the said Commission Regulation (EC) 129/2003.

<sup>(4)</sup> O.J.L 022 of 25.01.03



GIVEN under my Official Seal,  
23 July 2003

Dermot Ahern

Minister for Communications,  
Marine and Natural Resources.

#### **EXPLANATORY NOTE**

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

These Regulations prescribe and adopt Council Regulation (EC) No. 2549/2000 of 17 November, 2000, which establishes certain technical measures for the recovery of the stock of cod in the Irish Sea. These measures are additional to those defined in Council Regulation (EC) No 850/98. These Regulations also provides that any infringement of the Council Regulation 2549/2000 is an infringement of these Regulations.