

S.I No 335 of 2003

**SEA FISHERIES (INSPECTION OF FISHING BOATS)
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 Commission Regulation (EEC) No 1382/87 of 20 May 1987 hereby make the following Regulations:

1. (1) These Regulations may be cited as the Sea Fisheries (Inspection of Fishing Boats) Regulations, 2003.

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

2. (1) In these Regulations, unless the context otherwise requires—

"Commission Regulation" means Commission Regulation (EEC) No. 1382/87 of 20 May 1987¹ and any further Regulation of the Commission of the European Communities made after the making of these Regulations which amends, extends, replaces or consolidates (with or without modification) the said Commission Regulation;

"fishing boat" means a sea-fishing boat or any other boat equipped to receive fish or fishery products for processing, transport or storage.

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

3. The provisions of the Commission Regulation (being measures establishing detailed rules concerning the inspection of fishing boats) in so far as they relate to the exclusive fishery limits of the State and to a fishing boat within those limits are hereby prescribed and adopted and, accordingly, any infringement of the Commission Regulation within those limits after the commencement of these Regulations shall be an infringement of these Regulations.

4. In any proceedings in which there is alleged a contravention of these Regulations each of the following shall be *prima facie* evidence that the fishing boat concerned was, at the time of the alleged offence, registered in a particular state (including the State):

(a) evidence that at or about the time of the alleged offence such fishing boat wore the ensign or national flag of that state;

(b) evidence that at or about such time such fishing boat had marked on her stern the name of a port or other place in that state;

(c) evidence that at or about such time such 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;

(d) 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 fishing boat that she was at such time so registered;

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

L.S.

GIVEN under my Official Seal,
23 July 2003

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 Commission Regulation (EEC) No. 1382/87 (as amended to date or which may be amended in the future) which establishes detailed rules concerning the inspection of sea-fishing boats.