

S.I No. 336 of 2003

SEA FISHERIES (MARKING AND DOCUMENTATION OF SEA-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 1381/87 of 20 May 1987 hereby make the following Regulations:

1. (1) These Regulations may be cited as the Sea Fisheries (Marking and Documentation of Sea-Fishing Boats) Regulations 2003.

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

2. (1) In these Regulations "Commission Regulation" means Commission Regulation (E.E.C.) No. 1381/87 of 20th May 1987¹ and any further Regulation of the Commission made after the making of these Regulations, which amends, extends, replaces or consolidates (with or without modification) the Commission Regulation (as defined herein);

¹ O.J.L. 132/9 of 21/5/87.

(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 marking and documentation of sea-fishing boats) in so far as they relate to the exclusive fishery limits of the State are hereby prescribed and adopted and, accordingly, any infringement of any provision 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 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,

23 July 2003.

Dermot Ahern
Minister for Communications,
Marine and Natural Resources.

EXPLANATORY NOTE.

The effect of these Regulations 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

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