

**S.I. No 345**

**SEA FISHERIES (CONTROL OF CATCHES)  
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. 2807/83 of 22 September, 1983 <sup>(1)</sup> and Council Regulation (EEC) No. 2847/93<sup>(9)</sup> hereby make the following Regulations:

<sup>9</sup> OJ No. L261 of 20.10.93

<sup>1</sup> O.J. No. L276/1 of 10.10.1983

1. These Regulations may be cited as the Sea Fisheries (Control of Catches) Regulations 2003.

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

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

"Annex VI" means Annex VI to the Commission Regulation;

"Commission Regulation" means Commission Regulation (EEC)

No. 2807/83 of 22 September, 1983<sup>1</sup>

<sup>1</sup> O.J. No. L276/1 of 10.10.1983

as amended by Commission Regulation (EEC) No. 473/89<sup>2</sup> of 24 February 1989,

<sup>2</sup> O.J. No. L53/34 of 25.02.1989.

Commission Regulation (EEC) No. 2945/95<sup>3</sup> of 20 December 1995,

<sup>3</sup> O.J. No. L308/18 of 21.12.95

Commission Regulation (EC) No. 395/98<sup>4</sup> of 19 February 1998,

<sup>4</sup> O.J. No. L50/17 of 20.02.98

Commission Regulation (EC) No. 1488/98<sup>5</sup> of 13 July 1998,

<sup>5</sup> O.J. No. L196/3 of 14.07.98

Commission Regulation (EC) No. 2737/1999<sup>6</sup> of 21 December 1999, (result of Corrigendum in Official Journal of the European Communities L 12 of 18.1.2000 page 36)

<sup>6</sup> O.J. No. L12/73 of 18.01.2000

Commission Regulation (EC) No. 2737/1999<sup>7</sup> of 21 December,

<sup>7</sup> O.J. No. L12/73 of 18.01.2000

(result of Corrigendum in Official Journal of the European Communities L 29 of 4.2.2000 page 38)

Commission Regulation (EEC) No. 1965/2001<sup>8</sup> of 8 October 2001 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 said Commission Regulation (as so defined).

<sup>8</sup> O.J. No. L268/23 of 09.10.2001

"Council Regulation" means Council Regulation (EEC) No. 2847/93 of 20 October, 1993<sup>9</sup>,

<sup>9</sup> OJ No. L261 of 20.10.93

as amended by Council Regulation(EC) No. 2870/95<sup>10</sup> of 8 December 1995,

<sup>10</sup> O.J. No. L301/1 of 14.12.95

Council Regulation (EC) No. 686/97<sup>11</sup> of 14 April 1997,

<sup>11</sup> O.J. No. L102/1 of 19.04.97

Council Regulation (EC) No. 2205/97<sup>12</sup> of 30 October 1997,

<sup>12</sup> O.J. No. L304/1 of 7.11.97

Council Regulation (EC) No. 2635/97<sup>13</sup> of 18 December 1997,

<sup>13</sup> O.J. No. L356/14 of 31.12.97

Council Regulation (EC) No. 2846/98<sup>14</sup> of 17 December 1998<sup>4</sup>

<sup>4</sup> O.J. No. L50/17 of 20.02.98

<sup>14</sup> O.J. No. L358/5 of 31.12.98

and any Regulation of the Council made after the making of these Regulations which amends, extends, replaces or consolidates (with or without modifications) the said Council Regulation (as so defined).

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

4. The provisions of the Council Regulation and the Commission Regulation (being measures establishing control over the fishing activities of boats of Member States) in so far as they relate to the exclusive fishery limits of the State are hereby prescribed and adopted and accordingly any infringement of either the Council Regulation or the Commission Regulation within those limits after the commencement of these Regulations shall be an infringement of these Regulations.

5. In completing the logbook required to be completed pursuant to Regulation 3 of these Regulations, the master of an Irish sea-fishing boat shall—

(a) as regards the information to be given on gear, include particulars, given in accordance with the specifications in column 2 of Annex VI, regarding the capacity of the gear

and

(b) as regards the information to be given on fishing operations, include the following—

(i) particulars of the number of such operations, given in accordance with the specifications in column 3 of Annex VI

and

(ii) particulars of the fishing time (as described in paragraph 2.4.1. of Annex IV to the Commission Regulation).

6. Without prejudice to the generality of Regulation 4 of these Regulations, where fish is landed in the State from an Irish sea-fishing boat, the master of the boat shall, within the period specified in paragraph 4(2)(1) of Annex IV to the Commission Regulation, comply with the requirements of that paragraph.

7. (1) In any proceedings in respect of a contravention of these Regulations, which are proceedings in which an infringement of Article 6 of the Council Regulation is alleged, the onus shall be on the defendant to prove that the said Article 6 did not apply to the fishing boat concerned by reason of its not being 10 metres or more in length.

(2) For the purpose of these Regulations "length", in relation to a fishing boat, means the distance from the forepart of the stem of the boat to the aft side of the head of the sternpost of the boat.

L.S.

GIVEN under my Official Seal,  
23 July 2003

Dermot Ahern  
Minister for Communications, Marine and Natural Resources

#### **EXPLANATORY NOTE.**

These Regulations are to make any infringement of Commission Regulation 2807/83 and Council Regulation 2847/93 and their amendments an offence in so far as these regulations relate to the State including the exclusive fishery limits of the State.