

S.I. No. 180 of 2006

**SEA FISHERIES (CONSERVATION AND RATIONAL EXPLOITATION OF
HAKE) (No.2) REGULATIONS 2006**

I, John Browne, Minister of State at the Department of Communications, Marine and Natural Resources, in exercise of the powers conferred on me by section 14 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006), and the Marine (Delegation of Ministerial Functions) (No. 2) Order 2006 (No. 167 of 2006), and for the purpose of giving effect to Council Regulation (EC) No. 811/2004¹ of 21 April 2004 establishing measures for the recovery of the northern hake stock hereby make the following Regulations:

1. These Regulations may be cited as the Sea Fisheries (Conservation and Rational Exploitation of Hake) (No. 2) Regulations 2006.

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

"Council Regulation" means Council Regulation (EC) No. 811/2004¹ of 21 April 2004 and any future Regulation of the Council or the Commission made after the making of these Regulations which amends, extends, replaces or consolidates (with or without modification) the Council Regulation (as defined herein);

"competent authority" means, as the context may require, the Minister or a sea-fisheries protection officer;

"hake" means *Merluccius merluccius*;

"ICES zones" means the zones specified in Council Regulation (EEC) No. 3880/91 of 17 December 1991² on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic, and Council Regulation

¹ O.J. L 150/1 of 30.4.2004

² O.J. L 365/1 of 31.12.1991 as last amended by Commission Regulation (EC) No 1448/2005 (O.J. L 74/5 of 19.3.2005)

(EC) No. 2597/95³ of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic;

“specified area” means waters falling within ICES zones Vb (Community waters), VI, VII, XII and XIV.

(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. A contravention of any provision of the Council Regulation relating to:

- (a) sea-fishing boats within the exclusive fishery limits of the State; or
- (b) an Irish sea-fishing boat wherever it may be,

or a failure to comply with an obligation imposed by the Council Regulation so relating, other than an obligation imposed on the State, shall, for the purposes of subsection (3) of section 14 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 be deemed to be a contravention of these Regulations and the provisions of that Act relating to a contravention of a regulation under the said section 14 shall accordingly apply thereto.

4. The ports designated for the purpose of Article 9 of the Council Regulation are Killybegs, Ros an Mhíl, An Daingean, Castletownbere, Dunmore East, Howth.

5. (1) For the purposes of Article 8 of the Council Regulation, the competent authority shall be notified through the Fisheries Monitoring Centre in writing by fax to Fax Number: +353 21 437 8096 or orally by phone to phone number +353 21 437 8752.

(2) The notification shall include such information as the competent authority may require, including:

- the name of the vessel;

³ O.J. L. 270/1 of 13.11.1995 as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (O.J. L. 284/1 of 31.10.2003)

- the port of landing;
- the estimated time of arrival at that port;
- the quantities in kilograms live weight by species retained on board; and
- contact details.

6. The master of a sea-fishing boat, or the agent, shall provide all reasonable assistance to the competent authority to enable the quantities of hake declared in the relevant logbook and the quantity of hake on board the sea-fishing boat to be cross-checked for verification purposes.

GIVEN under my hand,

13th April 2006

JOHN BROWNE

**Minister of State at the Department of
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 transpose into Irish law the provisions of Council Regulation (EC) No 811/2004 establishing measures for the recovery of the Northern hake stock. It determines notification arrangements (4 hours advance notification required) and designated ports for the landing of quantities of hake in excess of 2 tonnes.

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