

SI No. 343 of 2006

**SEA FISHERIES (GILL NET TUNA AND CERTAIN OTHER SPECIES
FISHING) 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. 894/97¹ of 29 April 1997 laying down certain technical measures for the conservation of fishery resources, as amended, and to that part of Annex 1D of Council Regulation (EC) No 51/2006² of 22 December 2005 which refers to Northern Albacore (*Germo alalunga*), hereby make the following Regulations:

1. These Regulations may be cited as the Sea Fisheries (Gill Net Tuna and Certain Other Species Fishing) Regulations 2006.

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

“gill nets” means any type of gill nets, driftnets, bottom set gill nets, trammel nets and entangling nets;

¹ OJ L 132/1 of 23.5.1997

² OJ L 16/1 of 22.12.2005

“the Council Regulation” means Council Regulation (EC) No. 894/97¹ of 29 April, 1997, as amended by Council Regulation (EC) No. 1239/98³ of 8 June, 1998, 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 modifications) the Council Regulation (as defined herein);

“tuna” means Albacore (*Thunnus alalunga*) listed in Annex VIII to Council Regulation(EC) No. 894/97¹ of 29 April 1997, as amended by Council Regulation (EC) No. 1239/98³ of 8 June, 1998 or Northern Albacore (*Germo alalunga*) referred to in Annex ID of Council Regulation (EC) No 51/2006² of 22 December 2005.

3. 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, as may be appropriate.

4. Neither a sea-fishing boat nor a person on board such boat shall fish with gill nets for the species listed in the Annex to the Council Regulation or for Northern Albacore and the master of the sea-fishing boat shall not cause or permit the boat or any person on board to fish with gill nets for the species listed in the Annex to the Council Regulation or for Northern Albacore.

¹ OJ L 132/1 of 23.5.1997

² OJ L 16/1 of 22.12.2005

³ OJ L 171/1 of 17.6.1998

5. 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 relating to such boats or fishing gear, 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.

GIVEN under my hand,

29th June 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).

The effect of these Regulations is to provide for the prohibition of gill net fishing for tuna and other species.

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