



STATUTORY INSTRUMENTS

S.I. No. 253 of 2009



SEA-FISHERIES (RECORDING OF CATCHES) REGULATIONS 2009

(Prn. A9/0932)

SEA-FISHERIES (RECORDING OF CATCHES) REGULATIONS 2009

I, Tony Killeen, Minister of State at the Department of Agriculture, Fisheries and Food, in exercise of the powers conferred on me by sections 3 and 14 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) and the Sea-Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) and the Agriculture, Fisheries and Food (Delegation of Ministerial Functions) Order 2009 (S.I. No. 189 of 2009) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 705 of 2007, for the purpose of giving full effect to Commission Regulation (EEC) No. 2807/83 of 22 September 1983¹ (as amended by Commission Regulation (EEC) No. 473/89 of 24 February 1989², Commission Regulation (EEC) No. 2945/95 of 20 December 1995³, Commission Regulation (EC) No. 395/98 of 19 February 1998⁴, Commission Regulation (EC) No. 1488/98 of 13 July 1998⁵, Commission Regulation (EC) No. 2737/99 of 21 December 1999⁶, Commission Regulation (EC) No. 1965/2001 of 8 October 2001⁷ and Commission Regulation (EC) No. 1804/2005⁸) of 3 November 2005 and Council Regulation (EEC) No. 2847/93 of 12 October 1993⁹ (as amended by Council Regulation (EC) No. 2870/95 of 8 December 1995¹⁰, Council Regulation (EC) No. 2489/96 of 20 December 1996¹¹, Council Regulation (EC) No. 686/97 of 14 April 1997¹², Council Regulation (EC) No. 2205/97 of 30 October 1997¹³, Council Regulation (EC) No. 2635/97 of 18 December 1997¹⁴, Council Regulation (EC) No. 2846/98 of 17 December 1998¹⁵, Council Regulation (EC) No. 1954/2003 of 4 November 2003¹⁶, Council Regulation (EC) No. 768/2005 of 26 April 2005¹⁷, and Council Regulation (EC) No. 1006/2008 of 29 September 2008¹⁸), hereby make the following regulations:

1. These Regulations may be cited as the Sea-Fisheries (Recording of Catches) Regulations 2009.

¹ O.J. L 276 of 10.10.1983, p. 1

² O.J. L 53 of 25.2.1989, p. 34.

³ O.J. L 308 of 21.12.1995, p. 18.

⁴ O.J. L 50 of 20.2.1998, p. 17.

⁵ O.J. L 196 of 14.7.1998, p. 3.

⁶ O.J. L 328 of 22.12.1999, p. 54.

⁷ O.J. L 268 of 9.10.2001, p. 23.

⁸ O.J. L 290 of 4.11.2005, p. 10.

⁹ O.J. L261 of 20.10.1993, p. 1.

¹⁰ O.J. L 301 of 14.12.1995, p. 1.

¹¹ O.J. L 338 of 28.12.1996, p. 12.

¹² O.J. L 102 of 19.4.1997, p. 1

¹³ O.J. L 304 of 7.11.1997, p.1

¹⁴ O.J. L 356 of 31.12.1997, p. 14.

¹⁵ O.J. L 358 of 31.12.1998, p. 5.

¹⁶ O.J. L 289 of 7.11.2003, p. 1.

¹⁷ O.J. L 128 of 21.5.2003, p.1.

¹⁸ O.J. L 286 of 29.10.2008, p. 33.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 7th July, 2009.

2. (1) In these Regulations

“Commission Regulation” means Commission Regulation (EEC) No. 2807/83 of 22 September 1983 as amended by Commission Regulation (EEC) No. 473/89 of 24 February 1989, Commission Regulation (EEC) No. 2945/95 of 20 December 1995, Commission Regulation (EC) No. 395/98 of 19 February 1998, Commission Regulation (EC) No. 1488/98 of 13 July 1998, Commission Regulation (EC) No. 2737/99 of 21 December 1999, Commission Regulation (EC) No. 1965/2001 of 8 October 2001 and Commission Regulation (EC) No. 1804/2005 of 3 November 2005;

“Council Regulation” means Council Regulation (EEC) No. 2847/93 of 12 October 1993 as amended by Council Regulation (EC) No. 2870/95 of 8 December 1995, Council Regulation (EC) No. 2489/96 of 20 December 1996, Council Regulation (EC) No. 686/97 of 14 April 1997, Council Regulation (EC) No. 2205/97 of 30 October 1997, Council Regulation (EC) No. 2635/97 of 18 December 1997, Council Regulation (EC) No. 2846/98 of 17 December 1998, Council Regulation (EC) No. 1954/2003 of 4 November 2003, Council Regulation (EC) No. 768/2005 of 26 April 2005,

and Council Regulation (EC) No. 1006/2008 of 29 September 2008.

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

(3) These Regulations do not bind the State.

3. A person shall not contravene-

- (a) the Commission Regulation,
- (b) the Council Regulation, or
- (c) Regulation 4 or 5 of these Regulations

in relation to—

- (i) a sea-fishing boat within the exclusive fishery limits of the State,
- (ii) an Irish sea-fishing boat wherever it may be, or
- (iii) a person engaged in buying, handling, weighing, transshipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State.

4. The master of an Irish sea-fishing boat shall, when completing the logbook, include particulars—

- (a) regarding the capacity of gear used in accordance with column 2 of Annex VI to the Commission Regulation,

(b) of the number of fishing operations in accordance with column 3 of Annex VI to the Commission Regulation, and

(c) of fishing time in accordance with point 2.4.1 of Annex IV to the Commission Regulation.

5. (1) A person shall not forge or utter knowing it to be forged a logbook or an entry in a logbook or a document purporting to be an extract of a logbook (hereafter in this Regulation referred to as “a forged document”).

(2) A person shall not alter with intent to defraud or deceive, or utter knowing it to be so altered a logbook or an entry in a logbook or an extract from a logbook (hereafter in this Regulation referred to as “an altered document”).

(3) A person shall not have, without lawful authority, in his or her possession or under his or her control a forged document or an altered document.

6. (1) In proceedings, evidence of an act of the institutions of the European Communities may be given by production of a copy of the act certified by an officer of the Minister for Agriculture, Fisheries and Food to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(2) Paragraph (1) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

7. The Sea-Fisheries (Control of Catches) Regulations 2006 (S.I. No. 170 of 2006) are revoked.

GIVEN under my hand,
2 July 2009

Tony Killeen,
Minister of State at the Department of Agriculture, Fisheries
and Food.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations, which relate to fisheries control systems and rules for the recording of fish catches, provide that a contravention of any provision of Commission Regulations is a contravention of the Sea-Fisheries and Maritime Jurisdiction Act 2006.

BAILE ÁTHA CLIATH
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