

S.I. No. 274/2007 — Sea-Fisheries (Incidental Catches of Cetaceans in Fisheries) Regulations 2007

S.I. No. 274 of 2007

SEA-FISHERIES (INCIDENTAL CATCHES OF CETACEANS IN FISHERIES) REGULATIONS 2007

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 15th June, 2007.

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 (S.I. No. 167 of 2006), for the purpose of giving full effect to Council Regulation (EC) No. 812/2004 of 26.4.2004¹, hereby make the following regulations—

1. These Regulations may be cited as the Sea-Fisheries (Incidental Catches of Cetaceans in Fisheries) Regulations 2007.

2. (1) In these Regulations “Council Regulation” means Council Regulation (EC) No. 812/2004 of 26.4.2004¹.

(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. These Regulations apply to—

(a) an Irish sea-fishing boat wherever it may be, and

(b) a foreign sea-fishing boat within the exclusive fishery limits,

of 12 metres or over in overall length.

4. A sea-fishing boat shall comply with Article 2(1) of the Council Regulation.

5. The master of a sea-fishing boat shall comply with Article 2(2) of the Council Regulation.

6. An acoustic deterrent device used on board a sea-fishing boat in application of Article 2(1) of the Council Regulation shall comply with Article 3(1) of the Council Regulation, subject to any derogation authorised by the Minister under paragraph 2 of that Article published in the *Iris Oifigiúil* and by such other means as the Minister considers appropriate.

7. A record of any acoustic deterrent device used on board a sea-fishing boat must be kept by the master of the boat for a period of not less than 3 years and shall be made available on request to a sea-fisheries protection officer for inspection.

8. The master of a sea-fishing boat shall facilitate an at-sea observer appointed by the Minister under Article 5 of the Council Regulation, in boarding or while on board the boat, to carry out his or her tasks.

GIVEN under my hand,

12 June 2007

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 give full effect to Council Regulation (EC) No. 812/2004 of 26.4.2004 which lays down measures concerning incidental catches of cetaceans in certain fisheries.

1 OJ No. L150, 30. 4. 2004, p. 12

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