

S.I. No. 84/2006 — Herring (Fisheries Management and Conservation) Regulations 2006

Statutory Instruments

S.I. No. 84 of 2006

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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 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) and the Marine (Delegation of Ministerial Functions) Order 2006 (No. 82 of 2006)), hereby make the following regulations:

1. These Regulations may be cited as the Herring (Fisheries Management and Conservation) Regulations 2006.
2. These Regulations come into operation on 24 February 2006.
3. In these Regulations -

“herring” means *Clupea harengus*;

“ICES” means the International Council for the Exploration of the Sea;

“Irish sea fishing boat” means a boat entered in the Register of Fishing Boats;

“quotas” means the State's share of the total allowable catch (TAC) fixed by the Council of the European Communities relating to certain species of fish in respect of the year 2006¹ or, as the case may be, each subsequent year thereafter;

“specified area” means waters falling within ICES sub-areas VIa North, VIa South and VIIbc as described in Communication (85/C347/05) from the Commission of the European Communities on the description of the

ICES sub-areas and divisions used for the purposes of fishing statistics and regulations in the North East Atlantic.

4. The master of an Irish sea-fishing boat shall not engage in or cause or permit any person on board to engage in fishing for herring in the specified area.
5. (1) An Irish sea-fishing boat shall not have herring on board within the specified area.
 - (2) The master of an Irish sea-fishing boat shall not cause or permit the boat or any person on board to have herring on board within the specified area.
6. The master of an Irish sea-fishing boat shall not cause or permit the boat to be used within the specified area for the transhipment of herring.
7. (1) In a prosecution for an offence for contravening Regulation 6 of these Regulations, the following shall be *prima facie* evidence that the Irish sea-fishing boat concerned was, at the time of the alleged offence, used for the transhipment of herring in contravention of that Regulation -
 - (a) evidence that the boat had on board any books, papers or other documents from which it appears to the Court that on the day on which the offence is alleged to have been committed herring were received on board the boat otherwise than in the course of fishing,
 - (b) any admission by any person who is for the time being the master, or another member of the crew, of the boat that at such time she was so used, or
 - (c) any other matter from which it so appears that the boat was so used or which in the opinion of the Court suggests, or tends to suggest, that the boat was so used.
- (2) In a prosecution for an offence for contravening Regulation 5 of these Regulations, it is a defence for the defendant to show that the herring to which the prosecution relates was taken outside the specified area.
8. Notwithstanding anything contained in these Regulations, an Irish sea-fishing boat:
 - (a) may only land or tranship herring from such boat, whether within the specified area or elsewhere, if the herring landed or transhipped does not exceed 5% by weight of the total catch of all species of fish subject to quotas landed on any occasion.
 - (b) may at all times, subject to paragraph (c), retain on board up to 50% more herring than the maximum amount of herring permitted in paragraph (a);
 - (c) must ensure by 24:00 of each day of the fishing voyage that the logbook has been completed in accordance with the conditions laid out in Article 6 of Regulation (EEC) No. 2847/93, and that the total amount of mackerel retained on board such boat does not exceed the maximum amount of mackerel permitted in paragraph (a).

GIVEN under my Hand,

22 February 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 prohibit fishing for, transshipment or having on board herring by Irish sea-fishing boats in ICES sub-areas VIa North, VIa South and VIIbc with effect from 24 February 2006.

¹ Council Regulation (EC) No. 51/2006, O.J. L16, 20.1.2006, pp. 1-183.

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