

S.I. No. 39/2006 — Ling (Fisheries Management and Conservation) Regulations 2006

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Ling (Fisheries Management and Conservation) Regulations 2006

I, Pat the Cope Gallagher, 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) (No. 5) Order 2005 (No. 843 of 2005)), hereby make the following regulations:

1. These Regulations may be cited as the Ling (Fisheries Management and Conservation) Regulations 2006.
2. These Regulations come into operation on 1 February 2006 and cease to have effect on 28 February 2006.
3. In these Regulations -

“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;

“Ling” means *Molva molva*;

“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 VI, VII, VIII, IX, X, XII and XIV (Community waters and international waters) 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;

“specified period” means the period from 1 February 2005 to 28 February 2006.

4. An Irish sea-fishing boat, or a person on board that boat, fishing in the specified

area, shall not, during the specified period, have or retain on board -

(a) in case the boat is of length greater than or equal to 55 feet, 3 tonnes of ling, or

(b) in any other case, 1.5 tonnes of ling,

nor land more than that quantity.

5. The master of an Irish sea fishing boat shall not during the specified period cause or permit the boat to be used in the specified area for the transhipment of ling or cause or permit such boat to engage in transhipment operations at sea.

6. The master of an Irish sea-fishing boat -

(a) shall, before setting out on a voyage to fish for ling, inform a sea fisheries protection officer of the expected port at which ling is intended to be landed from the boat on completion of the voyage, and

(b) if requested by a sea fisheries protection officer, shall not land ling at any port or place, unless on each occasion a sea fisheries protection officer has given prior approval of the landing.

7. In a prosecution for an offence contravening Regulation 4 of these Regulations it shall be a defence for the defendant to show that the ling to which the prosecution relates were taken outside the specified area or the specified period.

8. In a prosecution for an offence contravening Regulation 5 of these Regulations the following shall be *prima facie* evidence that the sea-fishing boat concerned was, at the time of the alleged offence, used for the transhipment or landing of ling in contravention of those Regulations -

(a) evidence that such sea-fishing 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 ling were landed or transhipped contrary to those Regulations,

(b) any admission by any person who is for the time being the master or other person in charge, or another member of the crew, of such sea-fishing boat that at such time she was so used, or

(c) any other matter from which it so appears that such sea-fishing boat was so used or which in the opinion of the Court suggests, or tends to suggest, that such sea-fishing boat was so used.

GIVEN under my Hand,

25 January 2006

Pat the Cope Gallagher

**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 provide for a management regime for the ling fishery in ICES sub-areas VI, VII, VIII, IX, X, XII and XIV (Community waters and international waters) with effect from 1 February 2006.

From that date, an Irish sea-fishing boat equal to or greater than 55 feet in length, or a person on board such boat, fishing in the specified area may not have or retain on board or land more than 3 tonnes of ling during the period from 1 February 2006 to 28 February 2006.

Any other Irish sea-fishing boat fishing for ling, or a person on board such boat, fishing in the specified area may not have or retain on board or land more than 1.5 tonnes of ling during this period.

It is prohibited to tranship or to engage in transhipment operations of ling.

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