

# S.I. No. 15/2006 — Celtic Sea Herring (Fisheries Management and Conservation) Regulations 2006

S.I. No. 15 of 2006

## Celtic Sea Herring (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 Celtic Sea Herring (Fisheries Management and Conservation) Regulations 2006.
2. These Regulations come into operation on 24 January 2006.
3. In these Regulations -

“herring” means *Clupea harengus*;

“Irish sea-fishing boat” means a boat entered in the Register of Fishing Boats or in the EU Community Fishing Fleet Register;

“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 2006<sup>1</sup> or, as the case may be, each subsequent year thereafter;

“specified area” means the Celtic Sea, or that part of the exclusive fishery limits of the State that lies south of the line of latitude of 52°30' North.

4. An Irish sea-fishing boat or a person on board the boat fishing in the specified area -
  - (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 landed or transhipped 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 herring retained on board such boat does not exceed the maximum amount of herring permitted in paragraph (a).
5. In a prosecution for an offence for contravening Regulation 4 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 transshipment or landing of herring in contravention of that Regulation -
- (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 herring were landed or transhipped contrary to that Regulation,
  - (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.
6. The master of an Irish sea fishing boat fishing in the specified area shall, before each landing or transshipment of herring from the boat, inform a sea fisheries protection officer of the time and location of the landing or transshipment whether inside or outside the State and the quantity of herring concerned.

**GIVEN** under my Hand,

**22 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 allow Irish sea-fishing boats to land or tranship herring caught in the Celtic Sea, or that part of the exclusive fishery limits of the State that lies south of the line of latitude of 52°30' North, from 24 January 2006, provided that the herring does not exceed 5% by weight of the total catch landed or transhipped on any occasion.

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

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