

SEA FISHERIES (CONTROL OF CATCHES) ORDER 1985

I, PADDY O'TOOLE, Minister for Fisheries and Forestry, in exercise of the powers conferred on me by section 223A (inserted by section 9 of the Fisheries (Amendment) Act, 1978 (No. 18 of 1978), and amended by section 4 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 Fisheries (Alteration of Name of Department and Title of Minister) Order, 1978 (S.I. No. 195 of 1978)), hereby order as follows:

REG 1

1. This Order may be cited as the Sea Fisheries (Control of Catches) Order, 1985.

REG 2

2. In this Order—

"Annex VI" means Annex VI to the Commission Regulation;

"the Commission Regulation" means Commission Regulation (EEC) No. 2807/83 of 22 September, 1983;

"the Council Regulation" means Council Regulation (EEC) No. 2057/82 of 29 June, 1982, as amended by Council Regulation (EEC) No. 1729/83 of 20 June, 1983.

REG 3

3. The provisions of the Council Regulation and the Commission Regulation (being measures establishing control over the fishing activities of vessels of Member States), in so far as they relate to the State, including the exclusive fishery limits of the State, are each hereby prescribed and adopted and accordingly any infringement of either the Council Regulation or the Commission Regulation within those limits (or, as the case may be, within the State), after the commencement of this Order, shall be an infringement of this Order.

10.J. No. L276/1 of 10.10.1983

20.J. No. L220/1 of 29.7.1982.

30.J. No. L169/14 of 28.6.1983.

REG 4

4. In completing the logbook required to be completed by virtue of Article 3 of this Order, the master of an Irish sea-fishing boat shall—

(a) as regards the information to be given on gear, include particulars, given in accordance with the specifications in column 2 of Annex VI, regarding the capacity of the gear
and

(b) as regards the information to be given on fishing operations, include the following—

(i) particulars of the number of such operations, given in accordance with the specifications in column 3 of Annex VI,

and

(ii) particulars of the fishing time (as described in paragraph 2.4.1. of Annex IV to the Commission Regulation).

REG 5

5. Without prejudice to the generality of Article 3 of this Order, where fish is landed in the State from an Irish sea-fishing boat, the master of the boat shall, within the period specified in paragraph 4(2)(1) of Annex IV to the Commission Regulation, comply with the requirements of that paragraph.

REG 6

6. (1) In any proceedings in respect of a contravention of this Order which are proceedings in which an infringement of Article 3 or 6 of the Council Regulation is alleged, the onus shall be on the defendant to prove that —

(a) by virtue of paragraph (2) of the said Article 3 he was exempted from the obligation defined in paragraph (1) of that Article,

(b) the said Article 6 did not apply to the fishing boat concerned by reason of its not being over 10 metres in length.

(2) For the purpose of this Article "length", in relation to a fishing boat, means the distance from the forepart of the stem of the boat to the aft side of the head of the sternpost of the boat.

GIVEN under my Official Seal, this 10th day of June 1985.

PADDY O'TOOLE,
Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

The effect of this Order is to require that the skippers of all Community vessels over 17 metres in registered length (or over 10 metres where the duration of fishing operations is in excess of 24 hours) operating within the exclusive fishery limits of the State and Irish vessels whether operating within those limits or otherwise complete a daily log of all fishing operations. In addition skippers of all vessels over 10 metres in registered length are obliged to submit a landing/transshipment declaration to their national authorities, giving the quantities and species involved on the occasion of each landing or transshipment.