

Statutory Instruments

S.I. 40 of 2005

Orange Roughy (Fisheries Management and Conservation)

Regulations 2005

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) as amended by 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. 2) Order 2004 (S.I. No. 703 of 2004)), hereby make the following regulations:

1. These Regulations may be cited as the Orange Roughy (Fisheries Management and Conservation) Regulations 2005.
2. These Regulations come into operation on 1 February 2005.
3. In this Regulation —
"orange roughy" means *Hoplostethus atlanticus*;
"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 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 2005¹ or, as the case may be, each subsequent year thereafter;

¹ Council Regulation (EC) No. 2270/2004, O.J. L396, 31.12.2004, pp. 4-12.

"specified area" means waters falling within ICES zones I, II, III, IV, V, VIII, IX, X, XII, XIV 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. An Irish sea-fishing boat fishing in the specified area or a person on board the boat may only land or tranship Orange Roughy from such boat, whether within the specified area or elsewhere, if the Orange Roughy landed or transhipped does not exceed 5 per cent by weight of the total catch of all species of fish subject to quotas landed or transhipped on any occasion.

5. In a prosecution for an offence under 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 transhipment or landing of Orange Roughy 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 Orange Roughy 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 areas shall, before each landing or transhipment of deep sea fish stocks from the boat, inform a sea fisheries protection officer of the time and location of the landing or transhipment whether inside or outside the State and the quantity of deep sea fish stocks concerned.



GIVEN under my Official Seal,
25 January 2005

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 Orange Roughy caught in ICES Division I, II, III, IV, V, VIII, IX, X, XII and XIV with effect from 1 February 2005, provided that the Orange Roughy does not exceed 5% by weight of the total catch of quota species landed or transhipped on any occasion.