

Statutory Instruments

S.I. No. 309 of 2005

Norway Lobster (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 (No. 703 of 2004)), hereby make the following regulations:

1. These Regulations may be cited as the Norway Lobster (Fisheries Management and Conservation) Regulations 2005.

2. These Regulations come into operation on 1 July 2005 and cease to have effect on 31 July 2005.

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;

"Norway Lobster" or "Nephrops" means *Nephrops norvegicus*;

"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. 27/2005, O.J. L12, 14.1.2005, pp. 1-151.

"specified area" means waters falling within ICES sub-area VII and stock area code NEP/07 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 July 2005 to 31 July 2005.

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, 10 tonnes of norway lobster, or

(b) in any other case, 5 tonnes of norway lobster, 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 norway lobster 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 norway lobster, inform a sea fisheries protection officer of the expected port at which norway lobster 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 norway lobster 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 norway lobster 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 transshipment or landing of norway lobster 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 norway lobster 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,

27 June 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 provide for a management regime for the norway lobster fishery in ICES sub-area VII and stock area code NEP/07 with effect from 1 July 2005.

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 10 tonnes of norway lobster during the period from 1 July 2005 to 31 July 2005.

Any other Irish sea-fishing boat fishing for norway lobster, or a person on board such boat, fishing in the specified area may not have or retain on board or land more than 5 tonnes of norway lobster during this period.

It is prohibited to tranship or to engage in transshipment operations of norway lobster.