

## Statutory Instruments

### S.I. 29 of 2005

#### **Black Scabbardfish (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 2005 (S.I. No. 703 of 2005)), hereby make the following regulations:

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

2. These Regulations come into operation on 1 February 2005 and cease to have effect on 28 February 2005.

3. In these Regulations —

"black scabbardfish" means *Alphanopus carbo*;

"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 2005<sup>1</sup> or, as the case may be, each subsequent year thereafter;

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

"specified area" means waters falling within ICES sub-areas V, VI, VII and XII 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 to 28 February 2005.

4. An Irish sea-fishing boat, or a person on board the boat, fishing in the specified area shall not, during the specified period, have or retain on board more than 5 tonnes of black scabbardfish, 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 black scabbardfish or cause or permit such boat to engage in transhipment operations at sea.

6. In a prosecution for an offence for contravening Regulation 4 or 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 black scabbardfish 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 black scabbardfish 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.

7. The master of an Irish sea fishing boat fishing in the specified areas shall, before each landing or transshipment of deep sea fish stocks 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 deep sea fish stocks concerned.

8. The Black Scabbardfish (Fisheries Management and Conservation) (No. 2) Regulations 2004 (SI No. 790 of 2004) are revoked.

L.S.

**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 provide for a management regime for black scabbardfish in ICES areas V, VI, VII and XII for the period 1 February 2005 to 28 February 2005. During that period an Irish sea fishing boat shall not have or retain on board nor land more than 5 tonnes of black scabbardfish.

It is prohibited to tranship or to engage in the transshipment of black scabbardfish.