

S.I. No. 6 of 1996.

SEA FISHERIES (CONTROL OF CATCHES) ORDER, 1985 (AMENDMENT) ORDER, 1996.

I, SEAN BARRETT, Minister for the Marine, 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), as 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 Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987)), hereby order as follows:

1. This Order may be cited as the Sea Fisheries (Control of Catches) Order, 1985 (Amendment) Order, 1996.

2. The Sea Fisheries (Control of Catches) Order, 1985 (S.I. No. 163 of 1985), is hereby amended—

(a) in Article 2, by the substitution for the definition of "the Council Regulation" (inserted by the Sea Fisheries (Control of Catches) Order, 1985 (Amendment) (No. 2) Order, 1987 (S.I. No. 246 of 1987) of the following definition:

" 'the Council Regulation' means Council Regulation (EEC) No. 2847/93 of 12 October 1993(1) as amended by Council Regulation (EC) No. 2870/95 of 8 December 1995(2) and any regulation of the Council of the European Union which amends or replaces the Council Regulation and Article 5 of Council Regulation (EEC) No. 2241/87 of 23 July 1987(3);", and 1O.J. No. L261, 20.10.93, p. 1

2O.J. No. L301, 14.12.95, p.1

3O.J. No. L207, 29.7.87, p.1

(b) in Article 6, by the substitution for paragraph (1) (as amended by the said Order) of the following paragraph:

"(1) In any proceedings in respect of a contravention of this Order which are proceedings in which an infringement of Article 6 of Council Regulation (EEC) No. 2847/93 of 12 October 1993(1) or of Article 5 of Council Regulation (EEC) No. 2241/87 of 23 July 1987(3) is alleged, the onus should be on the accused to prove that—

1O.J. No. L261, 20.10.93, p.1

2O.J. No. L301, 14.12.95, p.1

3O.J. No. L207, 29.7.87, p.1

(a) the said Article 6 did not apply to the fishing boat concerned by reason of it being less than 10 metres in length, or

(b) by virtue of paragraph 2 of the said Article 5 the skipper was exempted from the obligation defined in paragraph 1 of that Article."

GIVEN under my Official Seal, this 10th day of January, 1996.

SEÁN BARRETT,

Minister for the Marine.

EXPLANATORY NOTE.

The effect of this Order is to make any infringement of Council Regulation 2847/95 and 2870/95 an offence in so far as these regulations relate to the state including the exclusive fishery limits of the state.

The above regulations provide for the implementation of new control arrangements for designated fishing areas including Irish exclusive fishing waters and the area known as the Irish box. From the 1st January 1996, vessels over a certain size are required to report entry to and exit from designated fishing areas in accordance with the procedures laid down in the regulations.