



STATUTORY INSTRUMENTS

S.I. No. 45 of 2008



SEA-FISHERIES (FISHING FOR COD) REGULATIONS 2008

(Prn. A8/0282)

SEA-FISHERIES (FISHING FOR COD) REGULATIONS 2008

I, MARY COUGHLAN, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 14 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) and the Sea-Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (No. 707 of 2007) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 705 of 2007)) and for the purpose of giving full effect to Council Regulation (EC) 423/2004 of 14 February 2004¹ and Council Regulation (EC) 40/2008 of 19 January 2008², hereby make the following Regulations—

1. (1) These Regulations may be cited as the Sea-Fisheries (Fishing for Cod) Regulations 2008.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EC) No. 423/2004 of 26 February 2004;

“management period” means a period specified in the Schedule;

“Official Days at Sea Declaration” means the declaration provided by the Sea-Fisheries Protection Authority on which the master of an Irish sea-fishing boat is required to make a declaration of choice of fishing gear, area of operation and total days at sea in respect of a management period specified under Regulation 5;

“Quotas Regulation” means Council Regulation (EC) 40/2008 of 16 January 2008.

(2) A word or expression that is used in these Regulations and is also used in the Council Regulation or the Quotas Regulation, has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Regulation in which it occurs.

3. (1) A person shall not contravene—

(a) the Council Regulation relating to—

(i) a sea-fishing boat within the exclusive fishery limits of the State, or

(ii) an Irish sea-fishing boat wherever it may be,

¹O.J. No. L 70 of 9.3.2004, p.8.

²O.J. No. L 19 of 23.1.2008, p.1.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 29th February, 2008.

or

(b) Regulation 6, 9(1) or 10 of these Regulations.

(2) Paragraph (1) does not apply to the State.

4. If, in proceedings in which a contravention of these Regulations is alleged, it is proved that—

(a) fishing gear specified in the Council Regulation were found on board a sea-fishing boat, other than as provided for in the Council Regulation, and

(b) at the time when the fishing gear specified in the was found the sea-fishing boat was in an area specified in Article 2 of the Council Regulation,

it is presumed until the contrary is proved that all fishing gear specified in the Council Regulation were deployed in an area specified in Article 2 of the Council Regulation.

5. The management periods set out in the Schedule apply for the purposes of point 9 of Annexe IIA to the Quotas Regulation.

6. The master of an Irish sea-fishing boat to which the Council Regulation applies shall, prior to the commencement of each fishing period—

(a) complete an entry in the Official Days at Sea Declaration of the intended fishing gear, intended area of activity and the total number of effort days allocated,

(b) submit the Declaration to a sea-fisheries protection officer who shall sign it, and

(c) retain the original Declaration on board the sea-fishing boat at all times while the boat is operating in an area specified in Article 2 of the Council Regulation.

7. The ports in the State designated for the purposes of Article 12 of the Council Regulation are Dunmore East, Howth, Greencastle, Killybegs and Ros a Mhíl.

8. For the purposes of point 3 of Annexe IIA to the Quotas Regulation, in respect of an Irish sea-fishing boat, a day present within an area to which the Council Regulation relates commences when the sea-fishing boat-

(a) leaves a port within the area, or

(b) otherwise enters the area.

9. (1) Information required by the Council Regulation or Annex IIA of the Quotas Regulation shall be communicated to Fisheries Monitoring Centre, Naval Base, Haulbowline, Co. Cork by telephone (+ 353 21 437 8752 or + 1890 252081), facsimile (+ 353 21 437 8096) or electronic mail (nscstaff@eircom.net).

(2) A certificate purporting to be signed by an officer of the Naval Service and to certify that on a specific day or days or during the whole of a specified period information required by the Council Regulation or Annex IIA of the Quotas Regulation to be communicated was not received by the Fisheries Monitoring Centre is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Naval Service, evidence, unless the contrary is shown, of the matters stated in the certificate.

10. (1) A person shall not forge or utter knowing it to be forged an entry in an Official Days at Sea Declaration or a document purporting to be an extract from an Official Days at Sea Declaration (hereafter in this Regulation referred to as "a forged document").

(2) A person shall not alter with intent to defraud or deceive, or utter knowing it to be so altered an Official Days at Sea Declaration or a document purporting to be an extract from an Official Days at Sea Declaration (hereafter in this Regulation referred to as "an altered document").

(3) A person shall not have, without lawful authority, in his or her possession or under his or her control a forged document or an altered document.

11. The Fishing Effort for Vessels in the Context of the Recovery of Certain Stocks (No. 2) Regulations 2006 (S. I. No. 72 of 2007) are revoked.

Regulation 5

Schedule

Management periods	
Period 1	1 February — 30 April
Period 2	1 May — 31 July
Period 3	1 August — 31 October
Period 4	1 November — 31 January
Period 5	1 February — 31 January
Period 6	1 May — 31 January
Period 7	1 August 2007 — 31 January



GIVEN under my Official Seal,
26 February 2008

MARY COUGHLAN
Minister for Agriculture, Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations transpose into Irish law the provisions of Annex IIa of Council Regulation (EC) No. 40/2008, which establishes, for fishing vessels greater than 10 metres in overall length and operating in certain waters, a fishing effort limitation scheme in the context of the recovery of certain fish stocks, and the provisions of Council Regulation (EC) No. 423/2004 (Cod Recovery Plan) which establishes measures for the recovery of cod stocks and additional conditions for monitoring, inspection and surveillance.

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