



STATUTORY INSTRUMENTS.

S.I. No. 281 of 1984.

**SEA FISHING (ENFORCEMENT OF EUROPEAN
COMMUNITY QUOTAS) ORDER, 1984**

(Pl. 2758)

S.I. No. 281 of 1984.

SEA FISHING (ENFORCEMENT OF EUROPEAN
COMMUNITY QUOTAS) ORDER, 1984.

I, PADDY O'TOOLE, Minister for Fisheries and Forestry, 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)) of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), as amended by section 4 of the Fisheries (Amendment) Act, 1983 (No. 27 of 1983), and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977) (as adapted by the Fisheries (Alteration of Name of Department and Title of Minister) Order, 1978 (S.I. No. 195 of 1978)), hereby order as follows:

1. This Order may be cited as the Sea Fishing (Enforcement of European Community Quotas) Order, 1984.

2. This Order shall cease to have effect on the 1st day of January, 1985.

3. In this Order "the Council Regulation" means Council Regulation (EEC) No. 320/84 of 31 January, 1984,¹ as amended by Council Regulation (EEC) No. 559/84 of 5th March, 1984,² and Council Regulation (EEC) No. 1648/84 of 7 June, 1984.³

4. The provisions of the Council Regulation (being measures of conservation of fish stocks and rational exploitation of fisheries), in so far as they relate to the State, including the exclusive fishery limits of the State, are hereby prescribed and adopted and accordingly any infringement of such provisions within those limits (or, as the case may be, within the State) shall be a contravention of this Order.

5 (1) Where a regulation or other act adopted, whether before or after the commencement of this Order, by the Council or any other institution of the European Communities provides that catches, being—

¹O.J. No. L 37/1 of 8.2.1984.

²O.J. No. L 67/10 of 9.3.1984.

³O.J. No. L 156/3 of 13.6.1984.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 9th November, 1984.

- (a) catches of one or more species of fish specified in the act,
- (b) catches in waters so specified by reference to one or, more or all of the ICES Sub-areas and Divisions specified in paragraph (3) of Article 6 of this Order, and
- (c) catches by vessels of a particular class or description so specified,

are deemed to have exhausted one or more quotas so specified, the following provisions shall apply:

- (i) in case the act prohibits or restricts fishing, the prohibition or restriction, in so far as it relates to the State, or the exclusive fishery limits of the State, shall stand prescribed and adopted and accordingly any infringement of the prohibition or restriction within those limits (or, as the case may be otherwise within the State) shall be an infringement of this Order, and
- (ii) where in any legal proceedings the act is proved either pursuant to Regulation 6 of the European Communities (Judicial Notice and Documentary Evidence) Regulations, 1972 (S.I. No. 341 of 1972), or otherwise, then for the purposes of the proceedings, unless the contrary is proved, the quota, or, as may be appropriate, each of the quotas, referred to in the act shall be regarded as having been exhausted.

6. (1) Where, in proceedings in which an infringement or contravention of this Order is alleged it is proved that—

- (a) fish were found on board a sea-fishing boat, and
- (b) at the time when the fish were so found the sea-fishing boat concerned was within both the exclusive fishery limits of the State and—
 - (i) the part of the sea referred to in either paragraph (3) or (5) of Article 8 of the Council Regulation, or

4 [281]

- (ii) any of the ICES Sub-areas or Divisions specified in paragraph (3) of this Article,

it shall be presumed until the contrary is proved that all of the catch so found was taken within such limits and within such Part, Sub-area or Division, as may be appropriate.

(2) In any proceedings referred to in paragraph (1) of this Article each of the following shall be *prima facie* evidence that the sea-fishing boat concerned was, at the time of the alleged offence, registered in a particular Member State (including the State):

- (i) evidence that at or about the time of the alleged offence such sea-fishing boat wore the ensign or national flag of that Member State,
- (ii) evidence that at or about such time such sea-fishing boat had marked on her stern the name of a port or other place in that Member State,
- (iii) evidence that at or about such time such sea-fishing boat had on board any books, papers or other documents from which it appears to the court that at such time she was so registered,
- (iv) 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 she was at such time so registered,
- (v) any other matter from which it so appears that such sea-fishing boat was so registered or which in the opinion of the court suggests, or tends to suggest, that such sea-fishing boat was so registered.

(3) The ICES Sub-areas and Divisions referred to in paragraph (1) of this Article are,

- (a) Sub-area VI and Sub-area VII,
- (b) the following Divisions of Sub-area VI, namely, Division VIa) and Division VIb), and

(c) the following Divisions of Sub-area VII, namely Division VIIa), Division VIIb), Division VIIc) Division VIIg), Division VIIh) Division VIIj) and Division VIIk).

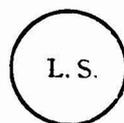
(4) In any proceedings referred to in paragraph (1) of this Article *prima facie* evidence of the Communication may be given by the production of a copy of the Official Journal purporting to contain the Communication.

(5) In this Article—

“the Communication” means the Communication from the Commission of the European Communities on the description of the ICES sub-areas and divisions used for the purposes of fisheries statistics and regulations in the North East Atlantic.⁴

“Sub-area VI”, “Sub-area VII”, “Division VIa)”, “Division VIb)”, “Division VIIa)”, “Division VIIb)”, “Division VIIc)”, “Division VIIg)”, “Division VIIh)”, “Division VIIj)” and “Division VIIk)” mean, respectively, the parts of the sea described in the Annex to the Communication and therein referred to as Sub-area VI, Sub-area VII, Division VIa), Division VIb), Division VIIa), Division VIIb), Division VIIc), Division VIIg), Division VIIh), Division VIIj) and Division VIIk).

7. The Herring (Restriction of Fishing in the North Irish Sea) Order, 1983 (S.I. No. 18 of 1983), is hereby revoked.



GIVEN under my Official Seal, this 7th day of November, 1984.

PADDY O'TOOLE.
Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

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

This Order makes any infringement of Council Regulation (EEC) No. 320/84 of 31 January 1984 which fixes total allowable catches and quotas for certain fish stocks for 1984 and

⁴O.J. No. C 140/3 of 3.6.1982.

6 [281]

specifies conditions under which these catches may be fished, an offence in so far as that regulation relates to the exclusive fishery limits of the State.