



STATUTORY INSTRUMENTS.

S.I. No. 95 of 2010



SEA-FISHERIES (CONTROL OF CATCHES) (No. 2) REGULATIONS
2010

(Prn. A10/0349)

SEA-FISHERIES (CONTROL OF CATCHES) (No. 2) REGULATIONS
2010

I, TONY KILLEEN, Minister of State at the Department of Agriculture, Fisheries and Food, in exercise of the powers conferred on me by sections 3 and 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 (S.I. 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 the Agriculture, Fisheries and Food (Delegation of Ministerial Functions) (No. 4) Order 2008 (S.I. No. 292 of 2008), for the purpose of giving full effect to Council Regulation (EC) No. 1342/2008 of 18 December 2008¹ and Council Regulation (EC) No. 53/2010 of 14 January 2010² (having regard to the corrigendum to the latter Regulation³), hereby make the following regulations—

1. These Regulations may be cited as the Sea-Fisheries (Control of catches) (No. 2) Regulations 2010.

2. (1) In these Regulations—

“Cod Regulation” means Council Regulation (EC) No. 1342/2008 of 18 December 2008;

“Quotas Regulation” means Council Regulation (EC) No. 53/2010 of 14 January 2010.

(2) A word or expression that is used in the Cod Regulation or in the Quotas Regulation and is also used in these Regulations has, in these Regulations, the same meaning as in the Cod Regulation or in the Quotas Regulation.

3. A person shall not contravene the Cod Regulation or the Quotas Regulation relating to—

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

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

(c) buying, handling, weighing, trans-shipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State, or

¹O.J.L 348 of 24.12.2008, 20.

²O.J. L 21 of 26.1.2010, 1.

³O.J. L 24 of 28.1.2010, 14.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 12th March, 2010.*

(d) any other obligation imposed by the Cod Regulation or the Quotas Regulation, other than an obligation imposed on the State.

4. (1) A person, in purporting to give a notification or a report required by the Cod Regulation or Quotas Regulation, shall not give information that is false or misleading.

(2) A person shall not contravene paragraph (1).

5. (1) The ports in the State designated for the purposes of Article 25 of the Cod Regulation are Clogherhead, Cobh in the port of Cork, Dunmore East, Greencastle, Howth, Killybegs and Ros a Mhíl.

(2) A person shall not land more than one tonne of cod from an Irish sea-fishing boat within the State unless the individual landing has been authorised by a sea-fisheries protection officer.

(3) A person shall not contravene paragraph (2).

6. (1) Information required by the Cod Regulation or 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 Cod Regulation or 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.

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

(a) fishing gear specified in the Cod Regulation or point 4 of Annex IIa to the Quotas Regulation were found on board a sea-fishing boat, other than as provided for in the Cod Regulation or the Quotas Regulation, and

(b) at the time when the fishing gear was found the sea-fishing boat was in an area specified in Article 3 of the Cod Regulation or at point 3 of Annex IIa to the Quotas Regulation,

it is presumed until the contrary is proved that all fishing gear specified in the Cod Regulation or Appendix I to Annex IIa to the Quotas Regulation were deployed in an area specified in Article 3 of the Cod Regulation or at point 3 of Annex IIa to the Quotas Regulation.

8. (1) In proceedings for an offence, evidence of an act of the institutions of the European Communities may be given by production of a copy of the act

certified by an officer of the Minister for Agriculture, Fisheries and Food to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(2) Paragraph (1) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

9. The Sea-Fisheries (Control of catches) Regulations 2010 (S.I. No. 52 of 2010) are revoked.

GIVEN under my Hand,
9 March 2010.

TONY KILLEEN,
Minister of State at the Department of 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 provide for the provisions of Council Regulation (EC) No. 53/2010 of 14 January fixing for 2010 (having regard to the corrigendum to this regulation) the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and, for Community vessels, in waters where catch limitations are required.

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