

S.I. No. 170 of 2006
SEA FISHERIES (CONTROL OF CATCHES) REGULATIONS 2006

I, John Browne, Minister of State at the Department of Communications, Marine and Natural Resources, 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 Marine (Delegation of Ministerial Functions) (No. 2) Order 2006 (No. 167 of 2006), and for the purpose of giving effect to Commission Regulation (EEC) No. 2807/83¹ of 22 September, 1983 laying down detailed rules for recording information on Member States' catches of fish and Council Regulation (EEC) No. 2847/93² of 12 October 1993 establishing a control system applicable to the common fisheries policy hereby make the following Regulations:

1. These Regulations may be cited as the Sea Fisheries (Control of Catches) Regulations 2006.

2. (1) In these Regulations, unless the context otherwise requires

"Annex VI" means Annex VI to the Commission Regulation;

" Commission Regulation" means Commission Regulation (EEC) No. 2807/83¹ of 22 September, 1983

as amended by Commission Regulation (EEC) No.473/89³ of 24 February 1989,

Commission Regulation (EEC) No.2945/95⁴ of 20 December 1995,

Commission Regulation (EC) No.395/98⁵ of 19 February 1998,

Commission Regulation (EC) No.1488/98⁶ of 13 July 1998,

Commission Regulation (EC) No.2737/1999⁷ of 21 December 1999, (result of Corrigendum in Official Journal of the European Communities L12 of 18.1.2000 page 36)

Commission Regulation (EC) No.2737/1999⁸ of 21 December,

(result of Corrigendum in Official Journal of the European Communities L 29 of 4.2.2000 page 38)

Commission Regulation (EEC) No.1965/2001⁹ of 8 October 2001 and any further regulation of the Commission or the Council made after the making of these

¹ O.J. No. L276/1 of 10.10.1983

² OJ No. L261 of 20.10.93

¹ O.J. No. L276/1 of 10.10.1983

³ O.J. No. L53/34 of 25.02.1989

⁴ O.J. No. L308/18 of 21.12.95

⁵ O.J. No. L50/17 of 20.02.98

⁶ O.J. No. L196/3 of 14.07.98

⁷ O.J. No. L12/73 of 18.01.2000

⁸ O.J. No. L12/73 of 18.01.2000

⁹ O.J. No. L268/23 of 09.10.2001

Regulations, which amends, extends, replaces or consolidates (with or without modification) the said Commission Regulation (as so defined).

" Council Regulation" means Council Regulation (EEC) No. 2847/93 of 20 October, 1993²

as amended by Council Regulation(EC) No. 2870/95¹⁰ of 8 December 1995,

Council Regulation (EC) No. 686/97¹¹ of 14 April 1997,

Council Regulation (EC) No. 2205/97¹² of 30 October 1997,

Council Regulation (EC) No. 2635/97¹³ of 18 December 1997,

Council Regulation (EC) No. 2846/98¹⁴ of 17 December 1998

and any Regulation of the Council or the Commission made after the making of these Regulations which amends, extends, replaces or consolidates (with or without modifications) the said Council Regulation (as so defined).

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

3. A contravention of any provision of the Commission Regulation or the Council Regulation relating to:

- (a) sea-fishing boats within the exclusive fishery limits of the State; or
- (b) an Irish sea-fishing boat wherever it may be, or
- (c) any person engaged in buying, handling, weighing, trans-shipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State,

² OJ No. L261 of 20.10.93

¹⁰ O.J. No. L301/1 of 14.12.95

¹¹ O.J. No. L102/1 of 19.04.97

¹² O.J. No. L304/1 of 7.11.97

¹³ O.J. No. L356/14 of 31.12.97

¹⁴ O.J. No. L358/5 of 31.12.98

or a failure to comply with an obligation imposed by the Commission Regulation or Council Regulation so relating, other than an obligation imposed on the State, shall, for the purposes of subsection (3) of section 14 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 be deemed to be a contravention of these Regulations and the provisions of that Act relating to a contravention of a regulation under the said section 14 shall accordingly apply thereto.

4. In completing the logbook required to be completed pursuant to the Commission Regulation, the master of an Irish sea-fishing boat shall—

(*a*) as regards the information to be given on gear, include particulars, given in accordance with the specifications in column 2 of Annex VI, regarding the capacity of the gear
and

(*b*) as regards the information to be given on fishing operations, include the following—

(i) particulars of the number of such operations, given in accordance with the specifications in column 3 of Annex VI
and

(ii) particulars of the fishing time (as described in paragraph 2.4.1. of Annex IV to the Commission Regulation).

5. Without prejudice to the generality of Regulation 3 of these Regulations, where fish is landed in the State from an Irish sea-fishing boat, the master of the boat shall, within the period specified in paragraph 4(2)(1) of Annex IV to the Commission Regulation, comply with the requirements of that paragraph.

GIVEN under my hand,

13th April 2006

JOHN BROWNE

**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, which relate to fisheries control systems and rules for the recording of fish catches, provide that a contravention of any provision of Commission Regulation 2807/83 and Council Regulation 2847/93 is a contravention of the Sea-Fisheries and Maritime Jurisdiction Act 2006.

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