STATUTORY INSTRUMENTS.

S.I. No. 8 of 2011

SEA-FISHERIES (RECORDING OF FISH) REGULATIONS 2011

(Prn. A11/0083)
S.I. No. 8 of 2011

SEA-FISHERIES (RECORDING OF FISH) REGULATIONS 2011

ARRANGEMENT OF REGULATIONS

1. Citation
2. Interpretation
5. Contravention of Regulation (EC) No. 2847/93
7. Additional duties of master of Irish sea-fishing boat
8. Forgery
9. Functions of Fisheries Monitoring centre
10. Contravention of these Regulations
11. Proof of European legislation
12. Revocation

1O.J. L 276 of 10.10.1983, 1.
2O.J. L 53 of 25.2.1989, 34.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 21st January, 2011.
of 18 May 2009\textsuperscript{20} (as amended by Commission Regulation (EC) No. 1282/2009 of 22 December 2009\textsuperscript{21}) and Council Regulation (EC) No. 1224/2009 of 20 November 2009\textsuperscript{22}, hereby make the following regulations:

Citation
1. These Regulations may be cited as the Sea-Fisheries (Recording of Fish) Regulations 2011.

Interpretation
2. (1) In these Regulations—


“sell” includes offer, expose or keep for sale, invite an offer to buy, or distribute for reward or otherwise (whether directly or through another person);

“supply” means to give without reward.

(2) A word or expression that is used in the Commission Regulation, Commission Regulation (EC) No. 2847/93 of 12 October 1993, Commission Regulation (EC) No. 409/2009 of 18 May 2009 or the Control Regulation and that is also used in these Regulations has, in these Regulations, the same meaning as it has in the act of the institution of the European Union in which it occurs.

Contravention of Commission Regulation (EC) No. 2807/83
3. A person shall not contravene—

(a) Article 1 or 1a, which refer to recording information in a logbook,

(b) Article 2, which refers to completing a landing or transhipment declaration,

(c) Article 3, which refers to information to be communicated to the flag state,

(d) Article 3a, which refers to radio communication, or

(e) Article 5(2), which refers to tolerances,
of the Commission Regulation in relation to—

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

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

(iii) a person engaged in buying, handling, weighing, transhipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State.

**Contravention of Commission Regulation (EC) No. 409/2009 (Conversion factors)**


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

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

(c) a person engaged in buying, handling, weighing, transhipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State.

(2) A person shall not use any equipment or machinery for weighing fish unless a calibration certificate relating to the equipment or machinery has been issued by the manufacturer or The Legal Metrology Service of the National Standards Authority of Ireland.

**Contravention of Regulation (EC) No. 2847/93**

5. (1) A person shall not contravene—

(a) Article 6 (other than paragraphs (5), (6) and (8)), which relates to keeping a logbook,

(b) Article 8(1), which relates to making a landing declaration,

(c) until 1 January 2011, Article 9(5), which refers to the submission of sales notes, take-over declarations and transport documents,

(d) until 1 January 2011, Article 13 (other than paragraphs (5), (6), (7) and (7a)), which relates to use and submission of transport documents, or

(e) Article 11(1), which relates to transhipments,


(i) a sea-fishing boat within the exclusive fishery limits of the State,
(ii) an Irish sea-fishing boat wherever it may be, or

(iii) a person engaged in buying, handling, weighing, transhipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State.

(2) Paragraph (1)(a) ceases to have effect on the entry into force of rules implementing Article 14 of the Control Regulation.

(3) Paragraph (1)(b) ceases to have effect on the entry into force of rules implementing Article 23 of the Control Regulation.

(4) Paragraph (1)(e) ceases to have effect on the entry into force of rules implementing Article 21 of the Control Regulation.

**Contravention of Control Regulation (EC) No. 1224/2009**

6. (1) A person shall not contravene—

(a) Article 8(1), which refers to marking and identification of fishing gear,

(b) Article 9(2) or (6), which refer to having a functioning vessel monitoring system,

(c) Article 10(1), which refers to having an automatic identification system,

(d) Article 20(1), which refers to transhipment at sea,

(e) Article 27, which refers to notification of fishing gear, or

(f) Article 28(1), which refers to fishing effort reporting,

of the Control Regulation in relation to—

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

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

(iii) a person engaged in buying, handling, weighing, transhipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State.

(2) A person shall not contravene—

(a) Article 29(1), which refers to conditions of transit,

(b) Article 30, which refers to measures when fishing effort is exhausted,

(c) Article 42(1) or (2), which restricts transhipment, or

(d) Article 44, which refers to separate storage of different species,

(e) Article 47, which refers to stowage of fishing gear,
(f) Article 48 (other than paragraphs (4) and (5)), which refers to recovery of fishing gear,

(g) Article 49(1), which refers to catch composition,

(h) Article 50(3) or (4), which refer to fishing in and transit through restricted areas,

(i) Article 52, which refers to exceeding a trigger catch level,

(j) Article 55(2), which prohibits marketing of catches from recreational fisheries,

(k) Article 56(2), which refers to the relevant geographical area of origin of products,

(l) Article 57(3), which refers to compliance with minimum marketing standards,

(m) Article 62(1), 62(5), or 63(1), which refer to the completion and submission of sales notes,

(n) Article 66(1), which refers to the completion and submission of a takeover declaration, or

(o) Article 75(1), which refers to facilitation of safe access and related matters,

of the Control Regulation in relation to—

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

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

(iii) a person engaged in buying, handling, weighing, transhipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State.

(3) A person shall not contravene—

(a) Article 43(2), which refers to designated landing ports or places,

(b) Article 58(1), which refers to traceability,

(c) Article 58(2), which refers to labelling,

(d) Article 58(3), which refers to merging or splitting of lots,

(e) Article 58(5), which refers to labelling,

(f) Article 67(1), which refers to the completion and submission of a takeover declaration,
(g) Article 68(1), (3), (4), or (7), which refer to the completion and submission of a transport document,

(h) Article 73(7), which refers to co-operation with control observers, or

(i) Article 84(4), which refers to proceeding to port,

of the Control Regulation in relation to—

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

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

(iii) a person engaged in buying, handling, weighing, transhipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State.

(4) From the date of entry into force of rules implementing them, a person shall not contravene—

(a) Article 6(1), which refers to having a valid fishing licence,

(b) Article 7(1), which refers to having a valid fishing authorisation,

(c) Article 14 (other than paragraph (10)), which refers to completion and submission of a fishing logbook,

(d) Article 21 (except paragraphs (6) and (7)), which refers to the completion and submission of a transhipment declaration, or

(e) Article 23 (except paragraph (5)), which refers to the completion and submission of a landing declaration,

of the Control Regulation in relation to—

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

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

(iii) a person engaged in buying, handling, weighing, transhipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State.

(5) An operator shall not contravene Article 58(4) of the Control Regulation, which requires that systems and procedures are in place to identify—

(a) a person who has supplied the operator with lots of fishery products, or

(b) a person to whom the operator has supplied fishery products.
(6) A person shall not contravene Article 58(5)(h) and (g) of the Control Regulation which requires that information detailed is readily available and easily legible on a label that accompanies, or a notice that is placed adjacent to fish, being sold or supplied.

Additional duties of master of an Irish sea-fishing boat

7. (1) The master of an Irish sea-fishing boat shall, when completing the logbook, include particulars—

(a) regarding the capacity of gear used in accordance with column 2 of Annex VI to the Commission Regulation,

(b) of the number of fishing operations in accordance with column 3 of Annex VI to the Commission Regulation, and

(c) of fishing time in accordance with point 2.4.1 of Annex IV to the Commission Regulation.

Forgery

8. (1) A person shall not forge or utter knowing it to be forged a logbook or landing declaration, an entry in—

(a) a logbook, landing declaration, transhipment declaration or transport document,

(b) an entry in a logbook, landing declaration, transhipment declaration or transport document, or

(c) a document purporting to be an extract of a logbook, landing declaration or transport document,

(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 altered—

(a) a logbook, landing declaration, transhipment declaration or transport document,

(b) an entry in a logbook, landing declaration, transhipment declaration or transport document,

(c) a document purporting to be an extract of a logbook, landing declaration, transhipment declaration or transport document,

(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.
Functions of Fisheries Monitoring centre

9. (1) The authority within the State to which data must be transmitted is the Fisheries Monitoring Centre, Naval Base, Haulbowline, Co. Cork (telephone: +353 21 437 8752 or +1890 252081, facsimile: +353 21 437 8096 or electronic mail (fmcireland@defenceforces.ie)).

(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 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 and that the information was not transmitted.

Contravention of these Regulations

10. A person shall not contravene Regulation 7 or 8 of these Regulations.

Proof of European legislation

11. (1) In proceedings, evidence of an act of the institutions of the European Union 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).

Revocation


GIVEN under my hand,
14 January 2011.

SEAN CONNICK,
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, which relate to fisheries control systems and rules for the recording of fish catches, provide that a contravention of any provision of Commission Regulations is a contravention of the Sea-Fisheries and Maritime Jurisdiction Act 2006.
BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach direach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS, 
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLAR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

————

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,  
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,  
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)  
or through any bookseller.

————

€3.05  