



STATUTORY INSTRUMENTS.

S.I. No. 453 of 2010

SEA-FISHERIES (LANDING AND WEIGHING OF PELAGIC FISH)
REGULATIONS 2010

(Prn. A10/1373)

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I, SEAN CONNICK, 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) Order 2010 (S.I. No. 303 of 2010), for the purpose of giving full effect to Commission Regulation (EC) No. 1542/2007 of 20 December 2007¹ as amended by Commission Regulation (EU) No. 607/2010 of 9 July 2010², hereby make the following regulations:

1. These Regulations may be cited as the Sea-Fisheries (Landing and weighing of pelagic fish) Regulations 2010.

2. (1) In these Regulations “Commission Regulation” means Commission Regulation (EC) No. 1542/2007 of 20 December 2007 as amended by Commission Regulation (EU) No. 607/2010 of 9 July 2010.

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

3. (1) The ports designated within the State for the purposes of Article 2 of the Commission Regulation are An Daingean (Dingle), Baltimore, Castletownbere, Duncannon, Dunmore East, Howth, Killybegs, Rathmullen, Ringaskiddy and Ros-a-Mhil (Rossaveal).

(2) A person shall not land or tranship mackerel or horse mackerel at Duncannon.

4. The functions specified in Articles 4, 7, 15, 16 and 17 of the Commission Regulation are exercisable by the Sea-Fisheries Protection Authority or by a sea-fisheries protection officer.

5. (1) A person shall not use a weighing system to weigh pelagic fish unless the system has been approved and, in the case of a privately operated weighing system, calibrated and sealed by the Legal Metrology Service of the National Standards Authority of Ireland.

¹O.J. L 337 of 21.12.2007, 56.

²O.J. L 175 of 10.7.2010, 27.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th September, 2010.*

(2) The Sea-Fisheries Protection Authority may approve a weighing system, revoke an approval or refuse an application for the purposes of the Commission Regulation.

(3) A person shall not interfere with a weighing system in a manner that it may give a false result.

6. (1) A person shall not, by act or omission, contravene—

- (a) Article 2, which restricts landings to designated ports,
- (b) Article 3, which relates to information to be furnished prior to landing,
- (c) Article 5(1), which relates to the submission of logbook data,
- (d) Article 6, which relates to weighing of fresh fish,
- (e) Article 7(2) or (3), which relate to weighing after transport,
- (f) Article 8, which relates provision of weighing slips if publicly operated weighing systems are used,
- (g) Article 9(3), which relates to maintenance of a weighing logbook if privately operated weighing facilities are used,
- (h) Article 9(4), which relates to use of conveyer belt weighing systems,
- (i) Article 10, which relates to labelling and stamping of frozen fish,
- (j) Article 11, which relates to weighing frozen fish,
- (k) Article 12, which relates to keeping weighing documents,
- (l) Article 13, which relates to submission of sales notes and takeover declarations,
- (m) Article 14, which provides for access to weighing systems and records,

contravene the Commission Regulation.

(2) A person shall not, by act or omission, contravene Regulation 3(2), 5 or 6 of these Regulations.

7. A person shall not buy, handle, weigh, transport, process, store or sell herring, mackerel or horse mackerel that has been landed or transhipped in contravention of Regulation 3 or 6.

8. The Sea-Fisheries (Landing and weighing of pelagic fish) Regulations 2008 (S.I. No. 15 of 2008) are revoked.

GIVEN under my hand,
16 September 2010.

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 transpose into Irish Law the provisions of Council Regulation (EC) No. 1542/2007, as amended by Commission Regulation (EU) No. 607/2010 of 9 July 2010, which establishes weighing procedures for fishing vessels landing Herring, Mackerel and Horse Mackerel.

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