

**S.I. No. 35 of 2007**

**SEA FISHERIES (WEIGHING PROCEDURES FOR HERRING, MACKEREL  
AND HORSE MACKEREL) REGULATIONS 2007**

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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 the provisions of Part A of Annex III to Council Regulation (EC) No 41/2006<sup>1</sup> of 21 December 2006, hereby make the following Regulations:

1. These Regulations may be cited as the Sea Fisheries (Weighing Procedures for Herring, Mackerel and Horse Mackerel) Regulations 2007.

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

“Annex” means Part A of Annex III to the Council Regulation;

“competent authority” means, as the context may require, the Minister or a sea-fisheries protection officer;

“Council Regulation” means Council Regulation (EC) No 41/2007<sup>1</sup> of 21 December 2006 and any future Regulation of the Council or the Commission made after the making of these Regulations, which amends, extends, replaces or consolidates (with or without modification) the Council Regulation (as defined herein);

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

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

(a) sea-fishing boats within the exclusive fishery limits of the State; or

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<sup>1</sup> O.J. L 15/1 of 20.1.07

(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,

or a failure to comply with an obligation imposed by the 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. For the purposes of point 1.3 of the Annex, the master of a sea-fishing boat shall give the following information to the Fisheries Monitoring Centre, in written form, to Fax Number : +353 21 437 8096, or orally by phone, to phone number +353 21 437 8752:
  - the name of the vessel and its registration number;
  - the port of landing;
  - the estimated time of arrival at that port;
  - the quantities in kilograms live weight by species retained on board;
  - the management area where the catch was taken; and
  - contact details.
5. The ports designated for the purpose of point 1.2.1 of the Annex are Killybegs, Ros an Mhíl, Castletownbere, An Daingean, Rathmullan, Howth, Ringaskiddy in the Port of Cork, Baltimore, Bellview in the Port of Waterford, and Dunmore East.
6. All buyers and transporters of herring, mackerel or horse mackerel or their agents shall provide all reasonable assistance to a sea fisheries protection officer to enable the quantities of such fish to be monitored in the manner required by these Regulations.

7. The master of a sea-fishing boat or the agent, shall not discharge any herring, mackerel or horse mackerel until authorised to do so by a sea fisheries protection officer.
8. All buyers purchasing fresh herring, mackerel and horse mackerel shall ensure that all quantities received are weighed at a location and by means of weighing systems approved by the Legal Metrology Service of the National Standards Authority of Ireland before being sorted, processed, held in storage and transported from the port of landing or resold.
9. Notwithstanding the provisions of Regulation 8, it shall be permissible for fresh mackerel, herring and horse mackerel to be weighed after transport from the port of landing, in accordance with the provisions of point 1.7.1 (b) of the Annex, at a location and by means of weighing systems approved by the Legal Metrology Service of the National Standards Authority of Ireland.
10. The Sea Fisheries (Weighing Procedures for Herring, Mackerel and Horse Mackerel) (No 2) Regulations 2006 (SI 575 of 2006) are revoked.

GIVEN under my hand

30 January 2007

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 transpose into Irish law the provisions of Part A of Annex III to Council Regulation (EC) No 41/2006 which establishes weighing procedures for fishing vessels landing more than 10 tonnes of herring, mackerel and horse mackerel per landing. The Regulations make a contravention of the provisions of Part A of Annex III to Council Regulation (EC) No 41/2006 a contravention of the Sea-Fisheries and Maritime Jurisdiction Act 2006.

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