

## Number 8 of 2006

## **SEA-FISHERIES AND MARITIME JURISDICTION ACT 2006**

## ARRANGEMENT OF SECTIONS

## PART 1

### PRELIMINARY AND GENERAL

### Section

- 1. Short title, collective citation and construction.
- 2. Definitions.
- 3. Regulations.
- 4. Repeals and Revocations.
- 5. Expenses.

# PART 2

### SEA-FISHERIES

### Chapter 1

# Preliminary

- 6. Definitions (Part 2).
- 7. Moville and Louth areas.

### Chapter 2

# Regulation of Sea-Fishing

- 8. Restriction on foreign sea-fishing boats entering exclusive fishery limits.
- 9. Provisions in relation to foreign sea-fishing boats lawfully entering exclusive fishery limits.
- 10. Unauthorised fishing while on board foreign sea-fishing boat within exclusive fishery limits.
- 11. Contravention of EC Regulation (common fisheries policy).
- 12. Management of State's fishing quota notices.
- 13. Management and Regulation of State's fishing opportunities and fishing effort authorisations.

# [No. **8.**] Sea-Fisheries and Maritime Jurisdiction Act 2006.

- 14. Regulations to give effect to common fisheries policy.
- 15. National regulatory measures to supplement common fisheries policy.

[2006.]

#### CHAPTER 3

Sea-Fisheries Protection Officers — Detention of boats — Related offences

- 16. Sea-fisheries protection officers.
- 17. Powers of sea-fisheries protection officer related to the inspection, examination and detention of sea-fish, etc.
- 18. Powers of sea-fisheries protection officer relating to fishing boats
- 19. Detention of boats and persons on board when offences suspected.
- 20. Detention of boats and persons charged or to be charged pending prosecution.
- 21. Detention of boats pending determination of any proceeding (including appeals) under relevant provision.
- 22. Recovery of fine for offence under relevant provision and possession by sea-fisheries protection officer of articles forfeited.
- 23. Trial in District Court of person charged with offence on boat detained by sea-fisheries protection officer.
- 24. Offence obstruction, etc., of sea-fisheries protection officer.
- 25. Offence assaulting sea-fisheries protection officer.
- 26. Immunity of sea-fisheries protection officer.

# CHAPTER 4

Matters relating to indictable fishery offences, proceedings, forfeiture

- 27. Option for accused persons as regards proceedings in relation to indictable offences under *Sea-Fisheries Acts 2003* and 2006.
- 28. Penalties and forfeiture for certain indictable fishery offences.
- 29. Non-obligation of Court to pronounce or record forfeiture where forfeiture falls as a statutory consequence of conviction.
- 30. Disposal of forfeitures.
- 31. Forfeiture of proceeds from disposal of illegally-caught fish.
- 32. Prosecutor may appeal dismissal of proceedings in District Court.
- 33. Proof that boat is foreign sea-fishing boat.

# [2006.] Sea-Fisheries and Maritime [No. 8.] Jurisdiction Act 2006.

- 34. Offence by body corporate, etc.
- 35. Service of trial documents persons resident outside State.
- 36. Defence.
- 37. Presumption.
- 38. Prosecution of summary offences Sea-Fisheries Acts 2003 and 2006.
- 39. Prosecution of sea-fisheries offences by DPP and saver.

### Chapter 5

## Sea-Fisheries Protection Authority

- 40. Establishment day.
- 41. Establishment of Sea-Fisheries Protection Authority.
- 42. Independence of Authority.
- 43. Functions of Authority.
- 44. Transfer of functions.
- 45. Transfer of assets and liabilities of staff, etc., transferred.
- 46. Policy directions by Minister to Authority.
- 47. Members of Authority.
- 48. Consultative Committee.
- 49. Complaints procedures.
- 50. Staff of Authority.
- 51. Sea-fisheries protection officers.
- 52. Transfer of staff from Minister to Authority.
- 53. Consultants and advisers.
- 54. Indemnity.
- 55. Membership of House of Oireachtas, European Parliament and local authorities.
- 56. Code of Conduct.
- 57. Disclosure of interests.
- 58. Disclosure of confidential information.
- 59. Superannuation of members of Authority.
- 60. Superannuation of staff of Authority.
- 61. Resources made available by Minister to Authority.
- 62. Grants to Authority.

# [No. **8.**] Sea-Fisheries and Maritime [2006.] Jurisdiction Act 2006.

- 63. Fees.
- 64. Borrowings.
- 65. Accounts and annual report of Authority.
- 66. Strategy Statement of Authority.
- 67. Publication of reports of Authority.
- 68. Accountability of Authority to Committees of Oireachtas.
- 69. Premises of Authority.
- 70. Seal of Authority.
- 71. Authority to keep itself informed on certain matters.
- 72. Provision of services by Authority.
- 73. Definitions (Chapter 5).

#### CHAPTER 6

Registration of sea-fishing boats and miscellaneous offences involving sea-fishing boats

- 74. Register of Fishing Boats.
- 75. Registration, lettering and numbering of sea-fishing boats.
- 76. Regulations.
- 77. Fees.
- 78. Continuance of Regulations of 2005.
- 79. Miscellaneous offences involving sea-fishing boats.
- 80. Definitions (Chapter 6).

### PART 3

Maritime Jurisdiction (Including Exclusive Economic Zone and Exclusive Fishery Limits) of the State

- 81. Definitions (Part 3).
- 82. Territorial seas.
- 83. Outer limit of territorial seas.
- 84. Contiguous zone.
- 85. Baseline.
- 86. Internal waters.
- 87. Exclusive economic zone of State.
- 88. Exclusive fishery limits of State.
- 89. Jurisdiction in case of offence.

- 90. Prosecution of non-national for offence on foreign ship.
- 91. Saving as to jurisdiction.
- 92. Evidence as to extent of internal waters, territorial seas, exclusive economic zone and exclusive fishery limits.
- 93. Adaptation of enactments.
- 94. Laying of orders before Houses of Oireachtas.

#### PART 4

Amendments to Fisheries Acts 1959 to 2003, Mercantile Marine Act 1955, Fishery Harbour Centres Act 1968, Dumping at Sea Act 1996 and Maritime Safety Act 2005

### Chapter 1

# Trial of Offences

- 95. Provisions in relation to cases in District Court.
- 96. Prosecution of summary offences Fisheries Acts 1959 to 2006.

### Chapter 2

Licensing of sea-fishing boats and miscellaneous amendments to Act of 2003

- 97. Sea-fishing boat licences.
- 98. Tax clearance certification requirement for applicants for sea-fishing boat licences.
- 99. Miscellaneous amendments to Act of 2003.

### CHAPTER 3

Mercantile Marine

100. Amendment of Act of 1955.

### CHAPTER 4

### Aquaculture

101. Miscellaneous amendments to Fisheries (Amendment) Act 1997 — aquaculture.

### Chapter 5

# Fishery Harbour Centres

102. Amendment of section 4 of Fishery Harbour Centres Act 1968.

## Chapter 6

## Dumping at Sea

103. Amendment of Dumping at Sea Act 1996.

### Chapter 7

## Maritime Safety

104. Amendment of Maritime Safety Act 2005.