

# SEANAD ÉIREANN

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## AN BILLE IASCAIGH MHARA AGUS DLÍNSE MUIRÍ 2005 — AN COISTE SEA-FISHERIES AND MARITIME JURISDICTION BILL 2005 — COMMITTEE

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### *Leasuithe Amendments*

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#### SECTION 6

1. In page 11, line 27, after “fish” to insert the following:

“, but for the avoidance of doubt does not include a sea-fishing boat”.

— *Senator Joe McHugh.*

2. In page 11, line 42, after “fish” to insert the following:

“, but for the avoidance of doubt does not include equipment or a sea-fishing

— *Senator Joe McHugh.*

#### SECTION 12

3. In page 15, between lines 25 and 26, to insert the new following subsection:

“(8) The master of an Irish sea-fishing boat may depart from the terms of any notice under *subsection (7)* where exceptional circumstances (such as *force majeure*, the safety of the crew or the safety of the vessel) so require.”.

— *Senator Joe McHugh.*

4. In page 15, subsection (8), line 27, after “the” to insert “seventh”.

— *Senator Joe McHugh.*

#### SECTION 13

5. In page 18, subsection (13)(a), line 48, to delete “it.” and substitute the following:

“it:

by sending such notification to—

(i) the address at which the holder is ordinarily resident, and

(ii) the address at which the holder carries on business, where the two are different.”.

— *Senator Joe McHugh.*

SECTION 13—*continued*

6. In page 19, subsection (14)(b), line 17, to delete “or” where it secondly occurs and substitute “and”.

— *Senator Joe McHugh.*

7. In page 19, lines 34 to 36, to delete subsection (18) and substitute the following new paragraph:

“(18) The Minister may authorise in writing such officers of the Department as he or she considers necessary to grant authorisations on his or her behalf and to add to or alter authorisation conditions and terms.”.

— *Senator Joe McHugh.*

SECTION 14

8. In page 21, subsection (3), lines 12 to 15, to delete paragraph (b) and substitute the following new paragraph:

“(b) in relation to fish, the master and owner of the boat concerned commits an offence, and the buyer, handler, weigher, transporter, processor, person storing or documenting and seller of the fish, where he or she could reasonably have been aware that the fish in question contravened a regulation, each commits an offence.”.

— *Senator Joe McHugh.*

SECTION 15

9. In page 22, subsection (3), lines 40 to 43, to delete paragraph (b) and substitute the following:

“(b) in relation to fish, the master and owner of the boat concerned commits an offence, and the buyer, handler, weigher, transporter, processor, person storing or documenting and seller of the fish, where he or she could reasonably have been aware that the fish in question contravened a regulation, each commits an offence.”.

— *Senator Joe McHugh.*

SECTION 17

10. In page 25, lines 24 to 30, to delete subsection (3).

— *Senator Joe McHugh.*

SECTION 18

11. In page 27, lines 22 to 28, to delete subsection (4).

— *Senator Joe McHugh.*

12. In page 27, lines 29 to 40, to delete subsection (5).

— *Senator Joe McHugh.*

SECTION 19

13. In page 28, subsection (3), line 13, to delete “will be” and substitute “has been”.

— *Senator Joe McHugh.*

SECTION 20

14. In page 28, subsection (1)(a), line 20, to delete “instituted” and substitute “instituted,”.

— *Senator Joe McHugh.*

## SECTION 21

- 15.** In page 28, subsection (1), line 47, to delete “detain the boat further” and substitute “release the boat”.

— *Senator Joe McHugh.*

## SECTION 22

- 16.** In page 30, subsection (1)(c), lines 20 and 21, to delete “(including the capacity thereof)”.

— *Senator Joe McHugh.*

- 17.** In page 30, subsection (4), line 46, to delete “€5,000” and substitute “€3,000”.

— *Senator Joe McHugh.*

## SECTION 24

- 18.** In page 31, subsection (1), line 43, to delete “€5,000” and substitute “€3,000”.

— *Senator Joe McHugh.*

- 19.** In page 31, subsection (1), lines 43 and 44, to delete “2 months” and substitute “1 month”.

— *Senator Joe McHugh.*

## SECTION 25

- 20.** In page 32, subsection (1)(a), line 20, to delete “€5,000” and substitute “€3,000”.

— *Senator Joe McHugh.*

## SECTION 28

- 21.** In page 34, subsection (2), line 5, after “and” to insert “may be subject”.

— *Senator Joe McHugh.*

- 22.** In page 34, lines 26 to 36, to delete subsection (5) and substitute the following:

“(5) Where a person is convicted on indictment of an offence specified in a Table, in addition to any fine the court may impose under this section, it may order the forfeiture of all or any fish and fishing gear found on the boat to which the offence relates.”.

— *Senator Joe McHugh.*

- 23.** In page 35, lines 23 to 49, to delete Table 1 and substitute the following:

“TABLE 1 — Fines — Provisions of Chapter 2

Reference Number	Provision	Category*	Fine on conviction on indictment not exceeding amount specified below
[1]	[2]	[3]	[4]
1	Section 11, 14 or 15 in so far as it relates to—		
(a)	a contravention relating to capacity plans of a seafishing boat,	Category 1 Category 2 Category 3 Category 4	€5,000 €10,000 €20,000 €40,000

SECTION 28—*continued*

Reference Number	Provision	Category*	Fine on conviction on indictment not exceeding amount specified below
[1]	[2]	[3]	[4]
(b)	illegal nets or other equipment, or	Category 1	€5,000
		Category 2	€10,000
(c)	any other contravention or failure of compliance.	Category 3	€20,000
		Category 4	€40,000
2	Section 8(2), 9(3) or 10(2)	Category 1	€3,000
		Category 2	€6,000
3	Section 12 or 13	Category 3	€12,000
		Category 4	€24,000

\*Category 1: fishing vessels with a waterline length <10 metres;  
Category 2: fishing vessels with a waterline length >10 metres and <18 metres;  
Category 3: fishing vessels with a waterline length >18 metres and <24 metres;  
Category 4: fishing vessels with a waterline length >24 metres.”

— *Senator Joe McHugh.*

SECTION 32

- 24.** In page 38, subsection (2), line 3, after “appealable” to insert the following:

“save for an appeal to the High Court on a point of law”.

— *Senator Joe McHugh.*

SECTION 74

- 25.** In page 59, between lines 29 and 30, to insert the following new subsection:

“(4) If satisfied, after considering the objection and any submission received, the Minister shall issue directions, including policy directions, to the Registrar General so as to remedy any matters giving rise to, or likely to give rise to, anomalies.”

— *Senator Joe McHugh.*