



STATUTORY INSTRUMENTS.

S.I. No. 407 of 2022

EUROPEAN UNION (SEA-FISHERIES AND MARITIME JURISDICTION
ACT 2006) (AMENDMENT) REGULATIONS 2022

EUROPEAN UNION (SEA-FISHERIES AND MARITIME JURISDICTION ACT 2006) (AMENDMENT) REGULATIONS 2022

I, Charlie McConalogue, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving further effect to Article 89 and 90 of Council Regulation (EC) No 1224/2009 of 20 November 2009¹ and Article (3) and Chapter IX of Council Regulation (EC) No 1005/2008², hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Union (Sea-Fisheries and Maritime Jurisdiction Act 2006) (Amendment) Regulations 2022.
- (2) These Regulations come into operation on the 28th day of July 2022.

Amendment of section 28 of Sea-Fisheries and Maritime Jurisdiction Act 2006

2. The Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) is amended in section 28 by inserting the following subsections after subsection (6):

"(6A) Where a person who is convicted of an offence to which subsection (1A), (5)(b) or (6)(b) applies demonstrates that the mandatory forfeiture required by the subsection concerned is disproportionate, the court may in those exceptional circumstances adjust, modulate or mitigate the extent of the mandatory forfeiture order. In making this assessment the court shall have regard to the requirement that the severity of the sanctions must be commensurate with the seriousness of the breaches for which they are imposed, in particular by ensuring a genuinely dissuasive effect.

(6B) Where the Court decides under subsection (6A) to substitute an order of forfeiture that it deems appropriate in place of a mandatory forfeiture required by this section as a statutory consequence of conviction, it shall give reasons for doing so."



GIVEN under my Official Seal,
27 July, 2022.

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.

¹ OJ L 343, 22.12.2009, p 1

² OJ L 286, 29.10.2008, p 1

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend section 28 of the Sea Fisheries and Maritime Jurisdiction Act 2006.

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