

**Statutory Instruments**

**S.I No. 345 of 2006**

**Molluscan Shellfish (Conservation of Stocks) Regulations 2006**

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S.I. No. 345 of 2006

Molluscan Shellfish (Conservation of Stocks) Regulations 2006

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 15 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No 8 of 2006) and the Marine (Delegation of Ministerial Functions) (No. 2) Order 2006 (S.I. No. 167 of 2006), hereby make the following regulations:

1. These Regulations may be cited as the Molluscan Shellfish (Conservation of Stocks ) Regulations 2006.
2. In these Regulations –  
  
"a specified vessel" means a sea fishing boat or boat of any other class of description.  
  
"Molluscan Shellfish" means molluscan shellfish of any kind whether alive or dead and includes any part of a molluscan shellfish and any (or any part of any) brood, ware, half-ware or spat of molluscan shellfish, and any spawn of molluscan shellfish, and the shell, or any part of the shell, of a molluscan shellfish.
3. These Regulations shall not apply to molluscan shellfish which are intended for direct human consumption, which molluscan shellfish have not been relayed from one part of the exclusive fishery limits of the State to another, either directly or overland, by any means.
4. A specified vessel or a person on board a specified vessel shall not, except under and in accordance with a license under these Regulations engage in dredging for, fishing for or taking molluscan shellfish within the exclusive fishery limits of the State and the master of a specified vessel shall not cause or permit the vessel or any person on board to engage in such dredging, fishing or taking within the exclusive fishery limits of the State.
5. (a) A specified vessel shall not, except under and in accordance with a licence under these Regulations, have molluscan shellfish on board within the exclusive fishery limits of the State,  
  
(b) The master of a specified vessel shall not, except under and in accordance with a licence under these Regulations, cause or permit the boat or any person

on board to have molluscan shellfish on board within the exclusive fishery limits of the State.

6. The master of a specified vessel shall not, except under and in accordance with a licence under these Regulations, cause or permit the boat to be used within the exclusive fishery limits of the State for the transhipment of molluscan shellfish from a specified vessel.
7. (1) In a prosecution for an offence under Article 6 of these Regulations, the following shall be *prima facie* evidence that the specified vessel concerned was, at the time of the alleged offence, used for the transhipment of molluscan shellfish in contravention of that Article:
  - (a) evidence that such specified vessels had on board any books, papers or other documents from which it appears to the court that on the day on which the offence is alleged to have been committed molluscan shellfish were received on board the boat otherwise than in the course of fishing.
  - (b) any admission by any person who is for the time being the master or other person in charge, or another member of the crew, of such specified vessel that at such time she was so used.(2) In a prosecution for an offence under Article 5 of these Regulations it shall be a defence for the defendant to prove that the molluscan shellfish to which the prosecution relates were taken outside the exclusive fishery limits of the State.  
  
(3) In a prosecution for an offence under these Regulations, it shall be a defence for the defendant to prove that the molluscan shellfish to which the prosecution relates were intended for direct human consumption and had not been relayed from one part of the exclusive fishery limits of the State to another, either directly or overland, by any means.
8. A person shall not, except under and in accordance with a licence under these Regulations, within the State, have in possession molluscan shellfish in any package, vehicle, premises, pier, wharf, jetty, dock or dock premises, ship, boat, railway wagon, lorry, cart or other vessel or vehicle used for the conveyance of goods.
9. A person shall not, except under and in accordance with a licence under these Regulations, within the State, sell, or have for sale molluscan shellfish in any package, vehicle, premises, pier, wharf, jetty, dock or dock premises, ship, boat, railway wagon, lorry, cart or other vessel or vehicle used for the conveyance of goods.
10. (1) Subject to paragraph (3) of this Article, the Minister may, upon the application of any person and upon being furnished by the person with any information which the Minister may reasonably require in relation to the application, grant to the person a licence authorising—
  - (a) the dredging for, fishing for or taking mulluscan shellfish within the exclusive limits of the State,

(b) the relaying of molluscan shellfish from one part of the exclusive fishery limits of the State to another, either directly or overland, by any means.

(2) A licence under these Regulations may be granted for such period and subject to such conditions, if any, as the Minister thinks fit and specifies in the licence.

(3) The Minister may, at his discretion, refuse to grant a licence under these Regulations or may at any time amend or revoke a licence granted under these Regulations.

11. These Regulations shall not apply to mussel seed harvested in connection with relaying for the purposes of ongrowing.

GIVEN under my  
hand,

29th June 2006.

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)

The effect of these Regulations is to provide for the regulation of movements of shellfish for aquaculture purposes within Ireland.

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