

2013 No. 1

SEA FISHERIES

The Mussels (Prohibition of Fishing) Regulations (Northern Ireland) 2013

Made - - - - *3rd January 2013*

Coming into operation - *8th February 2013*

The Department of Agriculture and Rural Development (**a**) makes the following Regulations in exercise of the powers conferred by sections 19(1) and 124(1) and (2) of the Fisheries Act (Northern Ireland) 1966 (**b**).

Citation and commencement

1. These Regulations may be cited as the Mussels (Prohibition of Fishing) Regulations (Northern Ireland) 2013 and come into operation on 8th February 2013.

Application

2.—(1) Subject to paragraph (2), these Regulations apply in the Northern Ireland zone.

(2) These Regulations do not apply to fishing vessels within the meaning of Article 3(c) of Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (**c**) which are registered in another member State.

Interpretation

3. In these Regulations—

“the Act” means the Fisheries Act (Northern Ireland) 1966;

“mussels” means shell-fish of the species *Mytilus Edulis*;

“mussel seed licence” means a licence granted by the Department under section 4 of the Sea Fish (Conservation) Act 1967 (**d**) for the collection of mussel seed.

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- (a) Formerly the Department of Agriculture for Northern Ireland; see. S.I. 1999/283 (N.I.1) Article 3(4)
- (b) 1966 c.17 (N.I.). Section 124 was substituted by S.I. 1981/227 (N.I.7) Article 6. Section 124(1) and (2) were amended by 2001 c.4 (N.I.) section 1(2) - (5) and section 124(1) was amended by S.I. 2002/790 Article 6(2)
- (c) O.J. No. L 358, 31.12.2002, p.59, as last amended by Council Regulation (EC) No 1224/2009 (O.J. No L 343, 22.12.2009, p.1). Article 10 permits measures, applying to fishing vessels flying a member State's own flag, for the conservation and management of stocks, subject to certain conditions.
- (d) 1967 c.84. Section 4 was substituted by 1976 c.86 section 3 and amended by 1981 c.29 section 20, 1992 c.60 section 1 and S.I. 1999/1820 article 4, Schedule 2, Part 1, paragraph 43. By virtue of article 3(1) of, and paragraph 3(1)(d) of Schedule 1 to, S.I. 2002/790, the functions of the Ministers exercisable under section 4 of the 1967 Act in relation to the granting of licences authorising fishing within the Northern Ireland zone were transferred to the Department of Agriculture and Rural Development but, by virtue of paragraph 3(2)(a), the Ministers retain a concurrent function to grant licences authorising fishing by British fishing boats, other than Northern Ireland fishing boats, within the Northern Ireland zone.

Prohibition of fishing

4. Subject to regulation 6, fishing for mussels other than for direct human consumption is prohibited.

Prohibition of retaining on board

5. Subject to regulation 6, retaining mussels, other than mussels taken for direct human consumption, on board any sea-fishing boat is prohibited.

Exemptions

6. Regulation 4 and 5 do not apply in relation to any person operating under the authority and in accordance with the terms and conditions of—

- (a) a fish culture licence granted under section 11 of the Act;
- (b) a permit granted under section 14 of the Act; or
- (c) a mussel seed licence.

Revocation

7. The Mussels (Prohibition of Fishing) Regulations (Northern Ireland) 1999 (a) are revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 3rd January 2013.



John Speers
A senior officer of the
Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made in reliance on Article 10 of Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, revoke and re-enact with amendments the Mussels (Prohibition of Fishing) Regulations (Northern Ireland) 1999. The Regulation prohibit, subject to certain exemptions, fishing for or retaining on board mussels, otherwise than for direct human consumption, in the Northern Ireland zone.

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(a) S.R. 1999 No.423

STATUTORY RULES OF NORTHERN IRELAND

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**The Mussels (Prohibition of Fishing) Regulations (Northern
Ireland) 2013**

£4.00

N5689 01/2013 435689T 19585

ISBN 978-0-337-99006-9



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