STATUTORY RULES OF NORTHERN IRELAND

2016 No. 120

AGRICULTURE

SEA FISHERIES

The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*7th March 2016*
Coming into operation	*4th April 2016*

The Department of Agriculture and Rural Development is a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Union.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department that it is expedient for any reference in these Regulations and the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2005(**3**) to Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy(**4**) to be construed as a reference to that Council Regulation as amended from time to time.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972(**5**).

Citation and commencement

1. These Regulations may be cited as the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Amendment) Regulations (Northern Ireland) 2016, and come into operation on 4th April 2016.

(**1**) S.I. 2000/2812
(**2**) 1972 c.68
(**3**) S.R. 2005 No.419
(**4**) OJ L 343, 22.12.2009, p.1
(**5**) Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006

Amendment of the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2005

2.—(1) The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2005 (**6**) are amended in accordance with paragraphs (2) to (15).

(2) For paragraphs (2) and (3) of regulation 1 (citation, commencement and extent) substitute –

"(2) These Regulations apply –

(a) in Northern Ireland and the Northern Ireland zone; and

(b) in relation to any Northern Ireland fishing boat wherever it is.".

(3) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the definition of "Article 9";

(ii) for the definition of "the CFP Regulation" substitute—

""the Control Regulation" means Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, as amended from time to time;"(**7**);

(iii) in the definition of "equivalent provisions", for "Article 9, or Article 22 of the CFP Regulation" substitute "Chapter II of Title V";

(iv) in the definition of "fish", for "Article 9, or Article 22 of the CFP Regulation" substitute "the Control Regulation"; and

(b) for paragraphs (3) and (4) substitute—

"(3) Terms used in these Regulations which are not defined in paragraph (1) or (2) and which appear in the Control Regulation have the same meaning in these Regulations as they have for the purposes of the Control Regulation.

(4) In these Regulations, a reference to an Article means an Article of the Control Regulation, and a reference to Chapter II of Title V means Chapter II of Title V of the Control Regulation.

(5) The Interpretation Act (Northern Ireland) 1954, except section 20(2) and (3), applies to these Regulations as it applies to an Act of the Assembly."(**8**).

(4) In regulation 3 (registration of fish sellers)—

(a) in paragraph (1), for "Article 9" substitute "Chapter II of Title V (control of marketing: post-landing activities)";

(b) in paragraph (4), for "Article 9, Article 22 of the CFP Regulation" substitute "Articles 59, 62, 63, 64, 66 and 67";

(c) in paragraph (8)(b), for "Article 9, Article 22 of the CFP Regulation" substitute "Article 59, 62, 63, 64, 66 or 67".

(5) In regulation 5 (maintenance of records by registered fish seller), in paragraph (3), for "until the end of the second calendar year following that sale" substitute "for three years".

(6) In regulation 6 (designation of fish auction sites)—

(a) in paragraph (1), for "Article 9, and Article 22 of the CFP Regulation" substitute "Chapter II of Title V";

(**6**) S.R. 2005 No.419

(**7**) OJ No. L 343, 22.12.2009, p. 1, as last amended by Regulation (EU) 2015/812 (OJ No. L.133, 29.5.2015 p.1), as corrected by a corrigendum (OJ No. L 149, 16.6.2015, p.23)

(**8**) 1954 c. 33 (N.I.)