Status: *This version of this Rule contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2014 No. 209

SEA FISHERIES

The Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014

Made - - - -	*3rd July 2014*
Coming into operation	*8th August 2014*

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 4B of the Sea Fish (Conservation) Act 1967(**1**) and now vested in it (**2**).

PROSPECTIVE

Citation, commencement and application

1.—(1) These Regulations may be cited as the Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014 and come into operation on 8th August 2014.

(2) They apply in relation to-

(a) a licence granted by the Department under section 4 (licensing of fishing boats) or section 4A (licensing of vessels receiving trans-shipped fish) of the Sea Fish (Conservation) Act 1967(**3**) in respect of a Northern Ireland fishing boat; and

(b) a variation, suspension or revocation of a licence by the Department under section 4(9) or section 4A(10) of that Act, whether or not the licence was granted before or after the coming into operation of these Regulations.

(**1**) 1967 c.84. Section 4B was inserted by section 4 of the Sea Fish (Conservation) Act 1992 (c.60) and, in relation to regulations made under it by the Department of Agriculture and Rural Development, was modified by article 3(1) of, and paragraph 4(4) of Schedule 1 to, the Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790).

(**2**) The function of "the Ministers" under section 4B of the Sea Fish (Conservation) Act 1967 in relation to licences granted under section 4 or 4A of that Act by the Department of Agriculture and Rural Development was transferred to the Department of Agriculture and Rural Development under article 3(1) of, and paragraph 3(1)(g) of Schedule 1 to, the Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790).

(**3**) Section 4 was substituted by the Fishery Limits Act 1976 (c.86), section 3, and amended by the Fisheries Act 1981 (c.29) ("the 1981 Act"), section 20, the Sea Fish (Conservation) Act 1992 (c.60) ("the 1992 Act"), section 1, S.I. 1999/1820, art. 4, Sch.2 Pt. I paragraph 43(2)(b) and (5)(a), and the Marine and Coastal Access Act 2009 (c.23) ("the 2009 Act"), section 4(6). Section 4A was inserted by the 1981 Act, section 21, and amended by the 1992 Act, section 3, S.I. 1999/1820, art.4 Sch.2 Pt.I paragraph 43(2)(b), and the 2009 Act, section 6(9).

Commencement Information

I1 Reg. 1 in operation at 8.8.2014, see **reg. 1(1)**

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**4**) applies to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

"the Department" means the Department of Agriculture and Rural Development;

"electronic communication" has the same meaning as in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001(**5**);

"licence" (except in the term "sea fishing licence") means a licence of a kind described in regulation 1(2)(a);

"newspaper" means a newspaper circulating within, or within any part of, the United Kingdom and includes a journal, magazine or other periodical publication;

"nominee" means either-

(a) the individual resident in the United Kingdom, or

(b) the body incorporated in a member State of the European Union and having a place of business in the United Kingdom,

appointed by the owner or charterer of a Northern Ireland fishing boat to receive, on the owner or charterer's behalf, licences or notices or both;

"notice" means a notice of variation, suspension or revocation of a licence;

"Northern Ireland fishing boat" means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995(**6**) and whose entry in the register specifies a port in Northern Ireland as the port to which the vessel is to be treated as belonging; and

"sea fishing licence" means a licence granted by the Department under section 4 of the Sea Fish (Conservation) Act 1967 in respect of a Northern Ireland fishing boat.

Commencement Information

I2 Reg. 2 in operation at 8.8.2014, see **reg. 1(1)**

Manner in which a licence is granted and a variation, suspension or revocation is effected

3.—(1) A licence is to be granted by the Department to the owner or charterer of a Northern Ireland fishing boat by delivering it to the owner or charterer of the boat named in the licence or (as the case may be) to their nominee in accordance with paragraph (2), and the person to whom the licence is delivered is in that paragraph referred to as the "recipient".

(2) A licence must be delivered by-

(a) personally delivering it to the recipient;

(**4**) 1954 c.33(NI).
(**5**) 2001 c.9(N.I.); that definition was amended by the Communications Act 2003 (c.21), section 406(1) and paragraph 170 of Schedule 17.
(**6**) 1995 c.21.

(b) sending it by post to the recipient at the recipient's address or place of business;

(c) leaving it at the recipient's address or place of business, or in the hands of a person there who is apparently over the age of 16; or

(d) subject to paragraph (7), transmitting it to the recipient by means of an electronic communication to an address which the recipient has specified for the purposes of sub-paragraph (b) of that paragraph.

(3) A variation, suspension or revocation of a licence by the Department is to be effected by communicating written notice of it to the owner or charterer of the Northern Ireland fishing boat named in the licence or (as the case may be) to their nominee in accordance with paragraph (4), and the person to whom the notice is communicated is in that paragraph referred to as the "recipient".

(4) A notice must be communicated to the recipient by-

(a) a method specified in paragraph (2);

(b) publishing the notice on a website (**7**), the address of which is indicated on the licence to which the notice relates; or

(c) where the notice is a general notice, publishing it in a newspaper.

(5) A general notice must specify -

(a) that it applies to all sea fishing licences; or

(b) the class of sea fishing licence to which it applies by reference to species, area, method or licence type, or any combination of those matters.

(6) A notice other than a general notice must specify the licence to which it relates by reference to the name, port letters and number of the fishing boat in respect of which the licence was granted.

(7) A licence may be delivered and a notice may be communicated by means of an electronic communication as described in paragraph (2)(d) only if the following conditions are satisfied-

(a) the use of an electronic communication results in the information contained in the licence or notice being available to the person in all material respects as it would appear in a licence or notice in printed form; and

(b) the person has specified an address for the purpose of receiving such communication.

(8) In this regulation a "general notice" means a notice which relates to –

(a) all sea fishing licences; or

(b) all sea fishing licences authorising fishing-

(i) for one of more specified descriptions of sea fish,

(ii) in one or more specified areas,

(iii) by a specified method or methods,

(iv) by licence type; or

(v) by reference to a combination of two or more of the matters referred to in heads (i) to (iv).

(9) Section 24(1) of the Interpretation Act (Northern Ireland) 1954 (service of documents) has effect in relation to the delivery of a licence or the communication of a notice by post with the omission of the word "registering".

(**7**) As of the date of making of these Regulations, the address of the website for the purposes of regulation 3(4)(b) is http://www.dardni.gov.uk/vessel-licence-variations.htm. Any alteration to that address will be notified to the licence holder or any nominee, as the case may be.