STATUTORY RULES OF NORTHERN IRELAND

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 [F1] 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 [F2].

Annotations:

F1 Formerly the Department of Agriculture for Northern Ireland; see. S.I. 1999/283 (N.I.1) Article 3(4)

F2 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)

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 **[**[F3]Article 4(1)(4) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, as last amended by Regulation (EU) 2017/2092.**]**

Annotations:

F3 Words in reg. 2(2) substituted (24.12.2018) by The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/200), reg. 1(1), **Sch. 4 para. 7**

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 [F4] for the collection of mussel seed.

Annotations:

F4 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 [F5] are revoked.

Annotations:

F5 S.R. 1999 No.423

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

L.S.
Department of Agriculture and Rural Development

John Speers
A senior officer of the