STATUTORY RULES OF NORTHERN IRELAND

2008 No. 430

SEA FISHERIES

Conservation of Scallops Regulations (Northern Ireland) 2008

Made - - - -	*24th October 2008*
Coming into operation	*17th November 2008*

The Department of Agriculture and Rural Development(**1**) makes the following Regulations in exercise of the powers conferred by sections 19(1), 124(1) and (2) and 127(1) of the Fisheries Act (Northern Ireland) 1966(**2**)

Citation and commencement

1. These Regulations may be cited as the Conservation of Scallops Regulations (Northern Ireland) 2008 and shall come into operation on 17th November 2008.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Fisheries Act (Northern Ireland) 1966;

"belly rings" means rings which make up the floor of a scallop dredge;

"British fishing boat" means a fishing boat which is either registered in the United Kingdom under Part II of the Merchant Shipping Act 1995(**3**) or is owned wholly by persons qualified to own British ships for the purposes of that part of the Act;

"defined area" means Northern Ireland inshore waters and that part of the Northern Ireland zone within twelve nautical miles measured from baselines in Northern Ireland;

"dredge bar" or "tooth bar" means a horizontal bar with teeth on the bottom of a scallop dredge;

"French dredge" means a scallop dredge of the type known as a "French dredge" incorporating paravanes, diving plates, pressure plates, water deflecting plates or any similar device, and having rigid fixed teeth;

"scallops" means shellfish of the species *Pecten maximus*;

(**1**) Formerly the Department of Agriculture S.I. 1999/283 (N.I.1) Article 3
(**2**) 1966 c.17 (N.I.) as amended by S.I. 1981/227 (N.I. 7), 2001c.4(NI) and S.I. 2002/790
(**3**) 1995 c.21

"scallop dredge" includes any appliance with a rigid framed mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for scallops;

"size" in relation to any scallop means the size calculated by measuring the maximum length of the shell;

"Strangford Lough" shall be construed in accordance with the Inshore Fishing (Prohibition of Fishing and Fishing Methods) Regulations (Northern Ireland) 1993(**4**);

"tow bar" means any device or appliance which is capable of being used for the purpose of fixing or attaching a scallop dredge to a vessel for the purpose of enabling such a dredge to be towed by the vessel;

"width" in relation to any scallop dredge means the distance across the mouth of a dredge when measured horizontally.

Prohibition of fishing and fishing methods

3.—(1) Subject to regulation 4, fishing for scallops by any means within the defined area is prohibited—

(a) during the period commencing at 8p.m.on each weekday other than Saturday and ending at 6a.m. on the next following weekday; and

(b) during the period commencing at 6 a.m. on each Saturday and ending at 6 a.m. on the next following Monday.

(2) A person shall not use or carry on board any British fishing boat within the defined area—

(a) a scallop dredge or system of scallop dredges with a width, or in the case of a system of scallop dredges, an aggregate width, of more than 915 cms;

(b) a scallop dredge with more than 9 teeth per dredge or tooth bar;

(c) a scallop dredge with a tooth spacing between the internal edges of less than 75 mm on the dredge or tooth bar;

(d) a scallop dredge with belly rings having a clear opening of less than 75 mm internal diameter;

(e) a scallop dredge with a mesh size of less than 100 mm in the netting cover; and

(f) a French dredge.

(3) A person shall not use or carry on board any British fishing boat within the defined area—

(a) a tow bar which exceeds 5.5 metres in length;

(b) a tow bar 5.5 metres or less in length which is constructed in such a way as to enable more than 6 scallop dredges to be attached to it at the same time.

(4) A person shall not fish for scallops within the defined area using more than 6 scallop dredges from each side of any British fishing boat.

(5) A person shall not, while diving, take scallops during the period 1st June to 31st October, both days inclusive, in any year, within the defined area.

(6) Paragraph (5) shall not apply in relation to the taking of scallops in Strangford Lough.

(7) A person shall not, within the defined area—

(a) take by diving; or

(b) land, bring to land or retain on board any British fishing boat,

(**4**) S.R.1993 No 155