STATUTORY RULES OF NORTHERN IRELAND

2008 No. 301

FISHERIES

The Foyle Area (Oyster Logbook and Identification Tagging) Regulations 2008

Made - - - -	*10th July 2008*
Coming into operation	*31st July 2008*

The Foyle, Carlingford and Irish Lights Commission, with the approval of the North/South Ministerial Council, makes the following Regulations in exercise of the powers conferred by section 13(1) of the Foyle Fisheries Act 1952(**1**) and section 13(1) of the Foyle Fisheries Act (Northern Ireland) 1952(**2**) and now vested in it(**3**).

Citation and commencement

1. These Regulations may be cited as the Foyle Area (Oyster Logbook and Identification Tagging) Regulations 2008 and shall come into operation on 31st July 2008.

Interpretation

2. In these Regulations—

"authorised person" has the meaning given by section 54 of the Foyle Fisheries Act 1952 and section 53 of the Foyle Fisheries Act (Northern Ireland) 1952;

"oyster fishing licence" means a fishing licence issued in accordance with the Foyle Area (Licensing of Oyster Fishing) Regulations 2008;

"fishing period" means the period beginning on 19th September and ending on 31st March next following (both dates inclusive);

"holder", in relation to a logbook, means the person to whom the logbook has been issued under these Regulations;

"logbook" means an oyster fishing logbook;

"oyster fishing logbook" means a logbook in the form set out in the Schedule;

"oyster" means a bivalve mollusc of the species Ostrea Edulis;

"tag" means a tag approved by the Commission.

(**1**) Legislation of the Republic of Ireland
(**2**) 1952 c. 5 (N.I.) as amended by S.I. 2007/915 (N.I. 9)
(**3**) S.I. 1999/859 Article 21(1)

Exception

3. These Regulations do not apply to any person who is operating under the authority of, and in accordance with, an aquaculture licence granted under section 52A of the Foyle Fisheries Act (Northern Ireland) 1952 or section 53A of the Foyle Fisheries Act 1952.

Tagging of oyster bags

4.—(1) A person using a dredge in any part of the Foyle Area for the purpose of the taking of oysters shall—

(a) place any oysters caught in a bag; and

(b) affix to each bag a tag which complies with the requirements set out in paragraph (4).

(2) A tag shall be affixed to the bag by inserting it through the bag and fully securing it using the locking mechanism so that it cannot be removed from the bag without tampering with the lock, breaking or cutting the bag.

(3) Any oysters retained on board a vessel shall be placed in a bag and the bag shall be tagged in accordance with paragraph (2) as soon as practicable, but before the bag is removed from the vessel from which the oysters were caught.

(4) Each tag shall—

(a) have the current fishing period marked on it;

(b) have the letters "LA" marked on it;

(c) bear a tag number issued under these Regulations to the holder of the oyster fishing licence;

(d) not be damaged or altered in any respect;

(e) not be effaced, covered or obscured in any manner whatsoever.

Issue of identification tags to licence holders

5. Any person holding an oyster fishing licence shall be issued by the Commission with a sufficient number of tags to enable him to comply with these Regulations.

Prohibitions

6.—(1) Subject to paragraph (2), a person shall not—

(a) remove a tag that is affixed to a bag;

(b) sell, offer or expose for sale, export or tranship at sea any oyster that is not placed in a bag with a tag affixed to it;

(c) have in his possession any oyster which has been caught and retained, whether by him or another person, other than in accordance with Regulation 4;

(d) forge or alter any tag or cause or permit any tag to be forged or altered;

(e) knowingly give false information to obtain a tag;

(f) transfer or sell a tag.

(2) Regulation 6 (1) (a) shall not apply to any person who is preparing oysters for sale and is required to grade, pack or process such oysters, provided that the tag was removed at the time of grading, packing or processing.

Issue of logbooks

7.—(1) The Commission shall issue an oyster fishing logbook to the holder of an oyster fishing licence.

(2) An oyster fishing logbook shall relate to one oyster fishing licence only.

Maintenance and return of logbooks

8.—(1) The holder of a logbook shall have the logbook in his possession when fishing for oysters under the licence to which the logbook relates.

(2) The holder of a logbook shall produce the logbook for examination upon request by an authorised officer.

(3) Where a person fishes for oysters (whether or not any oysters are taken) he shall make an appropriate entry in the logbook and such entry shall be made by the holder of the logbook before midnight on the day in which the fishing for oysters occurred.

(4) Every holder of a logbook shall, not later than 3 days after the expiration of every week which or part of which is in the fishing period of such year, make to the Commission a return in the form set out in the Schedule.

(5) The holder of the logbook shall report any loss, or destruction of the logbook as soon as possible to the Commission.

(6) Where the Commission issued a logbook and is satisfied that it has been lost or destroyed, the Commission shall replace it.

Given under the Seal of the Foyle, Carlingford and Irish Lights Commission on 10th July 2008.

L.S.

R. J. D. Anderson
Chief Executive of the Loughs Agency

Approved by the North/South Ministerial Council on 10th July 2008.

T. Hanney
Joint Secretary of the North/South Ministerial Council

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