



STATUTORY INSTRUMENTS

S.I. No. 395 of 2008

EUROPEAN COMMUNITIES (CONTROL ON MUSSEL SEED
FISHING) (AMENDMENT) REGULATIONS 2008

(Prn. A8/1576)

EUROPEAN COMMUNITIES (CONTROL ON MUSSEL SEED
FISHING) (AMENDMENT) REGULATIONS 2008

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Council Directive 79/409/EEC of 2 April 1979¹ as amended by Council Directive 81/854/EEC of 19 October 1981², Commission Directive 85/411/EEC of 25 July 1985³, Council Directive 86/122/EEC of 8 April 1986⁴, Commission Directive 91/244/EEC of 6 March 1991⁵, Council Directive 94/24/EC of 8 June 1994⁶, Commission Directive 97/49/EC of 29 July 1997⁷, Council Regulation (EC) No 807/2003 of 14 April 2003⁸, Council Directive 2006/105/EC of 20 November 2006⁹ and Council Directive 92/43/EEC of 21 May 1992¹⁰ (as amended by Council Directive 97/62/EC of 27 October 1997¹¹, Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003¹² and Council Directive 2006/105/EC of 20 November 2006¹³), hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Control on Mussel Fishing) (Amendment) Regulations 2008 and come into operation on 5 October 2008.

2. Subject to Regulation 3, the Schedule to the European Communities (Control on Mussel Fishing) Regulations 2008 (S.I. No. 347 of 2008) is amended by deleting paragraph (*u*).

3. A person shall not fish for or attempt to fish for, or transplant mussel seed harvested in the area specified in paragraph (*u*) of the Schedule to the European Communities (Control on Mussel Fishing) Regulations 2008 (S.I. No. 347 of 2008) unless the mussel seed is transplanted in Castlemaine Harbour.

4. The master of an Irish sea-fishing boat shall not transplant mussel seed, or cause or permit another person to transplant mussel seed, in accordance with

¹OJ L 103, 1 25.4.1979

²OJ L 319, 3 7.11.1981

³OJ L 233, 33 30.8.1985

⁴OJ L 100, 22 16.4.1986

⁵OJ L 115, 41 8.5.1991

⁶OJ L 164, 9 30.6.1994

⁷OJ L 223, 9 13.8.1997

⁸OJ L 122, 36 16.5.2003

⁹OJ L 363, 368 20.12.2006

¹⁰OJ L 206, 7 22.7.1992

¹¹OJ L 305, 42 8.11.1997

¹²OJ L 284 1 31.10.2003

¹³OJ L 363 368 20.12.2006

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 10th October, 2008.*

Regulation 3 unless he or she has given, to a sea-fisheries protection officer at Dingle, at least two hours advance notice of his or her intention to do so.



GIVEN under my Official Seal,
3 October 2008

BRENDAN SMITH.
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations are to provide for the re-opening of the mussel seed fishery in Dingle Bay from 5 October 2008.

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