

2008 No. 183

FISHERIES

Fish Health (Amendment) Regulations (Northern Ireland) 2008

Made - - - - *22nd April 2008*

Coming into operation - *23rd April 2008*

The Department of Agriculture and Rural Development, is designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred upon it by section 2(2) of the European Communities Act 1972.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fish Health (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 23rd April 2008.

(2) The Interpretation Act (Northern Ireland) 1954^(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Fish Health Regulations (Northern Ireland) 1998

2. The Fish Health Regulations (Northern Ireland) 1998^(d) shall be amended by:

(a) substituting for regulation 9(2A) the following paragraph—

“(2A) Subject to paragraph (3), a person shall not relay any live molluscs, eggs or gametes from any part of an area referred to in Schedule 7 in any other place or area (including any other area referred to in Schedule 7) within Northern Ireland unless he has been authorized to do so in writing by the Department.”; and

(b) substituting for Schedule 7 the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 22nd April 2008.



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A senior officer of the Department of Agriculture and Rural Development

(a) S.I.1972/1811

(b) 1972 c.68

(c) 1954 c.33 (N.I.)

(d) S.R.1998 No.310 as amended by S.R.2005 No.330

SCHEDULE

Regulation 2

Replacement Schedule 7 to the Fish Health Regulations (Northern Ireland) 1998

“SCHEDULE 7

Regulation 9

RESTRICTED AREAS (MOLLUSCS)

The areas of waters comprising tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to Northern Ireland which lie between or within, as the case may be, the following limits, that is to say—

- (a) in Lough Foyle - that part of Lough Foyle bounded by the high water mark and enclosed by an imaginary straight line drawn between the high water mark of Greencastle Fort in the County of Donegal to the high water mark at Martello Tower at Magilligan Point in the County of Londonderry; and
- (b) in Strangford Lough - that part of Strangford Lough to the northwest of an imaginary straight line drawn from Killard Point to Ballyquintan Point in the County of Down.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Fish Health Regulations (Northern Ireland) 1998 ('the 1998 Regulations') which implement in respect of Northern Ireland Council Directive 91/67/EEC (O.J. No. L46, 19.2.91, p.1) concerning the animal health conditions governing the placing on the market of aquaculture animals and products, as amended, and Council Directive 95/70/EC (O.J. No. L332, 30.12.95, p.33) introducing minimum community measures for the control of certain diseases affecting bivalve molluscs, to the extent that they are not implemented by other legislation.

The 1998 Regulations were amended in 2005 to prohibit the relaying within Northern Ireland of live molluscs eggs and gametes from Lough Foyle following confirmation of *Bonamia ostreae* in the Lough. Following the confirmation of this disease in Strangford Lough, these Regulations similarly prohibit the relaying within Northern Ireland of live molluscs eggs and gametes from that Lough.