

2005 No. 330

FISHERIES

**Fish Health (Amendment) Regulations
(Northern Ireland) 2005**

Made - - - - - *7th July 2005*

Coming into operation *8th July 2005*

The Department of Agriculture and Rural Development, being a Department 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, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fish Health (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 8th July 2005.

Amendment of the Fish Health Regulations (Northern Ireland) 1998

2. The Fish Health Regulations (Northern Ireland) 1998 shall be amended in accordance with the provisions of the Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 7th July 2005.

(L.S.)

T. McCusker

A senior officer of the Department of Agriculture and Rural Development

(a) S.I. 1972/1811
(b) 1972 c. 68

AMENDMENTS OF THE FISH HEALTH REGULATIONS
(NORTHERN IRELAND) 1998

1. In regulation 9—

(a) there shall be inserted after paragraph (2) the following paragraph—

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

(b) for paragraph (3) there shall be substituted the following paragraph—

“(3) Paragraphs (1), (2) and (2A) shall not apply to the relaying of live molluscs, eggs or gametes when they are relaid in an approved storage centre.”; and

(c) after paragraph (4) there shall be inserted the following paragraph—

“(5) For the purposes of this regulation any reference to eggs or gametes means the eggs or gametes of molluscs.”.

2. After Schedule 6 there shall be inserted the following Schedule—

“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 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.”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations 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.

These Regulations prohibit the relaying within Northern Ireland of live molluscs, eggs and gametes from the Lough Foyle area as specified in the new Schedule 7 inserted into the 1998 Regulations.

This area is specified for this purpose following the confirmation of *Bonamia ostreae* in the Lough.

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