



STATUTORY INSTRUMENTS

**S.I. No. 395 of 2008**

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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 1979<sup>1</sup> as amended by Council Directive 81/854/EEC of 19 October 1981<sup>2</sup>, Commission Directive 85/411/EEC of 25 July 1985<sup>3</sup>, Council Directive 86/122/EEC of 8 April 1986<sup>4</sup>, Commission Directive 91/244/EEC of 6 March 1991<sup>5</sup>, Council Directive 94/24/EC of 8 June 1994<sup>6</sup>, Commission Directive 97/49/EC of 29 July 1997<sup>7</sup>, Council Regulation (EC) No 807/2003 of 14 April 2003<sup>8</sup>, Council Directive 2006/105/EC of 20 November 2006<sup>9</sup> and Council Directive 92/43/EEC of 21 May 1992<sup>10</sup> (as amended by Council Directive 97/62/EC of 27 October 1997<sup>11</sup>, Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003<sup>12</sup> and Council Directive 2006/105/EC of 20 November 2006<sup>13</sup>), 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

<sup>1</sup>OJ L 103, 1 25.4.1979

<sup>2</sup>OJ L 319, 3 7.11.1981

<sup>3</sup>OJ L 233, 33 30.8.1985

<sup>4</sup>OJ L 100, 22 16.4.1986

<sup>5</sup>OJ L 115, 41 8.5.1991

<sup>6</sup>OJ L 164, 9 30.6.1994

<sup>7</sup>OJ L 223, 9 13.8.1997

<sup>8</sup>OJ L 122, 36 16.5.2003

<sup>9</sup>OJ L 363, 368 20.12.2006

<sup>10</sup>OJ L 206, 7 22.7.1992

<sup>11</sup>OJ L 305, 42 8.11.1997

<sup>12</sup>OJ L 284 1 31.10.2003

<sup>13</sup>OJ 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.

BAILE ÁTHA CLIATH  
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