
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 61

**EUROPEAN COMMUNITIES
WATER AND SEWERAGE**

**The Surface Waters (Shellfish) (Classification)
(Amendment) Regulations (Northern Ireland) 2009**

Made - - - - 23rd February 2009

Coming into operation 27th March 2009

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by Articles 5 and 36 of the Water (Northern Ireland) Order 1999⁽¹⁾, and, being a department designated ⁽²⁾ for the purposes of section 2(2) of the European Communities Act 1972 ⁽³⁾ in relation to the environment, in exercise of the powers conferred on it by that section.

Citation and commencement

1. These Regulations may be cited as the Surface Waters (Shellfish) (Classification) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 27th March 2009.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 ⁽⁴⁾ applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendments to the Surface Waters (Shellfish) (Classification) Regulations (Northern Ireland) 1997

3.—(1) The Surface Waters (Shellfish) (Classification) Regulations (Northern Ireland) 1997 ⁽⁵⁾ are amended in accordance with paragraphs (2) to (6).

(1) Article 5 of the Water (Northern Ireland) Order 1999 (S.I. 1999/662 (N.I. 6) replaced Article 4B of the Water Act (Northern Ireland) 1972 (1972 c. 5 (N.I.)) (as amended by Article 16 of the Water and Sewerage Services (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/3165 (N.I. 16)).

(2) S.I. 2008/301.

(3) 1972 (c. 68).

(4) 1954 c. 33 (N.I.).

(5) S.R. 1997/489.

(2) In paragraph 2 of regulation 2 (Interpretation), for “ Directive 79/923/EEC (quality required of shellfish waters)” substitute “Directive 2006/113/EC of the European Parliament and of the Council on the quality required of shellfish waters (“Directive 2006/113/EC”)(6).

(3) In regulation 3 after “brackish waters” insert “for the purposes of Directive 2006/113/EC”.

(4) In the following provisions, for “Directive 79/923/EEC” (in each place) substitute “Directive 2006/113/EC”.

(a) regulation 5(b) (Guideline values and no deterioration principle);

(b) regulation 9(a) (Modification of section 4C of the Water Act (Northern Ireland) 1972).

(5) In the heading for column 1 in the table contained in Schedule 1 (Criteria for classification of waters as shellfish waters) for “79/923/EEC” substitute “Directive 2006/113/EC”.

(6) In the heading for column 1 in the table contained in Schedule 2 (Guideline values in relation to the quality of shellfish waters) for “79/923/EEC” substitute “Directive 2006/113/EC”.

Sealed with the Official Seal of the Department of the Environment on 23rd February 2009.



Maggie Smith
A senior officer of the
Department of the Environment

(6) Directive 79/923/EEC (O.J. No. L281, 10.11.1979, p. 47) was repealed by codified Directive 2006/113/EC (O.J. No. L376, 27.12.2006, p. 14).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Surface Waters (Shellfish) (Classification) (Northern Ireland) Regulations 1997 (“the 1997 Regulations”).

These Regulations update the 1997 Regulations to reflect the revocation of Council Directive [79/923/EEC](#) as amended, and the consolidation of its terms with minor amendments in Directive [2006/113/EC](#) of the European Parliament and of the Council on the quality required of shellfish waters, (O.J. No L376, 27.12.2006, p.14).

The 1997 Regulations as amended prescribe a system for classifying the quality of shellfish waters, and apply to coastal and brackish waters requiring protection or improvement in order to support shellfish life and growth, to contribute to the high quality of shellfish products directly edible by man.