

2019 No. 61

SEA FISHERIES

The Sea Fish Licensing Order (Northern Ireland) 2019

Made - - - - 25th March 2019

Coming into operation in accordance with regulation 1

The Department of Agriculture, Environment and Rural Affairs(**a**) makes the following Order in exercise of the powers conferred by sections 4(1) and (2), and 20(1) of the Sea Fish (Conservation Act) 1967(**b**).

Citation and commencement

1. This Order may be cited as the Sea Fish Licensing Order (Northern Ireland) 2019 and comes into operation on exit day.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) applies to this Order as it applies to an Act of the Assembly.

(2) In these Regulations—

“exit day” has the same meaning given in section 20 of the European Union (Withdrawal) Act 2018(**d**);

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“the Northern Ireland zone” has the same meaning as in section 98(1) and (8) of the Northern Ireland Act 1998(**e**).

Prohibition on fishing in the Northern Ireland zone by non-British-owned Crown Dependency fishing boats

3.—(1) Subject to paragraph (2), fishing in the Northern Ireland zone by a fishing boat registered under the law of Jersey, Guernsey or the Isle of Man that is not British-owned is prohibited unless authorised by a licence granted by the Department.

(2) Paragraph (1) does not apply to fishing—

(a) for salmon or migratory trout;

(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1993 (N.I.1), Art 3(4); and the Department of Agriculture and Rural Development; see The Departments Act (Northern Ireland) 2016 Chapter 5 Article 1(2).
(b) 1967 c.84. Section 4B was inserted by section 4 of the Sea Fish (Conservation) Act 1992 (c.60) and modified by the Marine and Coastal Access Act 2009 (c.23).
(c) 1954 c.53
(d) 2018 c.16
(e) 1998 c.47; SI 2002/791 determines the extent of the area of the sea which is to be treated as adjacent to Northern Ireland for the purposes of the definition of the Northern Ireland zone

- (b) for common eels (*Anguilla anguilla*) by a boat whose length is 10 metres or less;
- (c) by a boat whose length is 10 metres or less and which does not have an engine to power the boat;
- (d) by a boat used wholly for the purpose of conveying persons wishing to fish for pleasure.

(3) In paragraph (2), “length”, in relation to a fishing boat, means the length calculated in accordance with the rules specified in Article 2(1) of Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels.

Prohibition on fishing in the Northern Ireland zone by foreign fishing boats

4.—(1) Fishing in the Northern Ireland zone by a foreign fishing boat is prohibited unless authorised by a licence granted by the Department.

(2) In paragraph (1), “foreign fishing boat” means a fishing boat that—

- (a) is not registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(a);
- (b) is not registered under the law of Jersey, Guernsey or the Isle of Man; and
- (c) is not British-owned(b).

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 25 March 2019.



Dr John Speers
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

(a) 1995 c.21

(b) “British-owned” is defined in section 22(1) of the Sea Fish (Conservation) Act 1967 (c.84)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision about the licensing of fishing boats from outside the UK when fishing in the Northern Ireland zone.

Article 3 requires non-British-owned boats registered in the Crown Dependencies that are fishing within the Northern Ireland zone to have a licence. The requirement does not apply to fishing boats registered in the Crown Dependencies which are British-owned as these are already required to be licenced under the Sea Fish Licensing Order 1992^(a). The requirement in Article 3 is subject to a number of exceptions.

Article 4 requires foreign fishing boats fishing in the Northern Ireland zone to have a licence.

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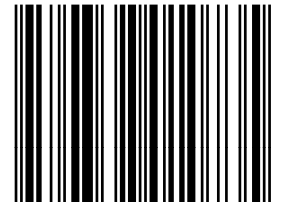
^(a) S.I. 1992/2633

£4.90

NI201903261001 04/2019 19585

<http://www.legislation.gov.uk/id/nisr/2019/61>

ISBN 978-0-33-801073-5



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