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STATUTORY RULES OF NORTHERN IRELAND

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**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<sup>(1)</sup>, and, being a department designated <sup>(2)</sup> for the purposes of section 2(2) of the European Communities Act 1972 <sup>(3)</sup> 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.

**Commencement Information**

II [Reg. 1](#) in operation at 27.3.2009, see [reg. 1](#)

**Interpretation**

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

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(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.).

**Status:** Point in time view as at 27/03/2009.

**Changes to legislation:** There are currently no known outstanding effects for the The Surface Waters (Shellfish) (Classification) (Amendment) Regulations (Northern Ireland) 2009. (See end of Document for details)

#### Commencement Information

**I2** Reg. 2 in operation at 27.3.2009, see **reg. 1**

### 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).

(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**”.

#### Commencement Information

**I3** Reg. 3 in operation at 27.3.2009, see **reg. 1**

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

(5) **S.R. 1997/489**.

(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.

**Status:**

Point in time view as at 27/03/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the The Surface Waters (Shellfish) (Classification) (Amendment) Regulations (Northern Ireland) 2009.