
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 335

**The Alien and Locally Absent Species in
Aquaculture Regulations (Northern Ireland) 2012**

PART 4

MISCELLANEOUS

Application to the Crown

24.—(1) Subject to the provisions of this regulation, these Regulations bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

(2) No contravention by the Crown of any provision of these Regulations shall make the Crown criminally liable; but the High Court may, on the application of any person appearing to the Court to have an interest, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Notwithstanding anything in paragraph (2), these Regulations apply to a person in the public service of the Crown as they apply to any other person.

(4) In this regulation any reference to the Crown includes a reference to the Crown in right of Her Majesty's Government in Northern Ireland.

Disclosure of information

25.—(1) For the purposes of Council Regulation 708/2007, these Regulations or the equivalent regulations in England, Scotland or Wales, the Department may disclose information received by it in the administration or enforcement of Council Regulation 708/2007 or these Regulations to –

- (a) the equivalent competent authority in England, Scotland, Wales or in another member State;
- (b) the Department of the Environment;
- (c) the Department of Culture, Arts and Leisure;
- (d) the Loughs Agency;
- (e) the Agri-Food and Biosciences Institute.

(2) In paragraph (1)(d) the “Loughs Agency” means the executive agency through which the Foyle, Carlingford and Irish Lights Commission exercises its functions under the Foyle Fisheries Act (Northern Ireland) 1952 (1).

Service of notices

26.—(1) In its application to these Regulations, section 24(1) of the Interpretation Act (Northern Ireland) 1954 (service of documents by post) has effect as if the word “registering” were omitted.

(2) Any notice required to be served under these Regulations may be served on a person by means of electronic communication if –

- (a) the person has consented to the use of that form of communication and has provided an electronic address for that purpose;
- (b) the consent has not been withdrawn; and
- (c) the communication is sent to the address provided.

(3) Where electronic communication is used for the purpose of serving a notice, then, unless the contrary is proved, the notice is deemed to have been served on the day and at the time recorded by the transmitting apparatus as being the day and time of satisfactory completion of the transmission.

(4) In this regulation “electronic communication” has the meaning given in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001 (2).

Amendment of the Molluscan Shellfish (Control of Deposit) Order (Northern Ireland) 1972

27.—(1) The Molluscan Shellfish (Control of Deposit) Order (Northern Ireland) 1972 (3) is amended in accordance with paragraph (2).

(2) For article 4 (exemption) substitute–

“Exception

4. The prohibition in article 3 shall not apply to any molluscan shellfish which is introduced under –

- (a) a permit issued under Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture; or
- (b) a notice issued under regulation 7(2)(b) or (3)(b) of the Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012.”.

Amendment of the Prohibition of Introduction of Fish Order (Northern Ireland) 1979

28.—(1) The Prohibition of Introduction of Fish Order (Northern Ireland) 1979 (4) is amended in accordance with paragraphs (2) and (3) ;

(2) In article 3 (prohibition) the words “, excluding the Londonderry Area,” are omitted.

(3) After article 3 insert–

“Exception

3A. The prohibition in article 3 does not apply to any species of live fish or Crayfish which is introduced under —

- (a) a permit issued under Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture; or
- (b) a notice issued under regulation 7(2)(b) or (3)(b) of the Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012.”.

(2) 2001 c.9 (N.I.). Section 4(1) was amended by paragraph 170 of Schedule 17 to the Communications Act 2003 c.21

(3) S.R. & O. (N.I.) 1972 No.9

(4) S.R. 1979 No. 178