
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 120

**The Registration of Fish Buyers and Sellers
and Designation of Fish Auction Sites
(Amendment) Regulations (Northern Ireland) 2016**

Amendment of the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2005

2.—(1) The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2005 **(1)** are amended in accordance with paragraphs (2) to (15).

(2) For paragraphs (2) and (3) of regulation 1 (citation, commencement and extent) substitute –

“(2) These Regulations apply –

(a) in Northern Ireland and the Northern Ireland zone; and

(b) in relation to any Northern Ireland fishing boat wherever it is.”.

(3) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the definition of “Article 9”;

(ii) for the definition of “the CFP Regulation” substitute—

““the Control Regulation” means Council Regulation [\(EC\) No 1224/2009](#) establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, as amended from time to time;”**(2)**;

(iii) in the definition of “equivalent provisions”, for “Article 9, or Article 22 of the CFP Regulation” substitute “Chapter II of Title V”;

(iv) in the definition of “fish”, for “Article 9, or Article 22 of the CFP Regulation” substitute “the Control Regulation”; and

(b) for paragraphs (3) and (4) substitute—

“(3) Terms used in these Regulations which are not defined in paragraph (1) or (2) and which appear in the Control Regulation have the same meaning in these Regulations as they have for the purposes of the Control Regulation.

(4) In these Regulations, a reference to an Article means an Article of the Control Regulation, and a reference to Chapter II of Title V means Chapter II of Title V of the Control Regulation.

(5) The Interpretation Act (Northern Ireland) 1954, except section 20(2) and (3), applies to these Regulations as it applies to an Act of the Assembly.”**(3)**.

(4) In regulation 3 (registration of fish sellers)—

(1) [S.R. 2005 No.419](#)

(2) OJNo. L 343, 22.12.2009, p. 1, as last amended by Regulation (EU) 2015/812 (OJ No. L133, 29.5.2015 p.1), as corrected by a corrigendum (OJ No. L 149, 16.6.2015, p.23)

(3) [1954 c. 33 \(N.I.\)](#)

- (a) in paragraph (1), for “Article 9” substitute “Chapter II of Title V (control of marketing: post-landing activities)”;
 - (b) in paragraph (4), for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 59, 62, 63, 64, 66 and 67”;
 - (c) in paragraph (8)(b), for “Article 9, Article 22 of the CFP Regulation” substitute “Article 59, 62, 63, 64, 66 or 67”.
- (5) In regulation 5 (maintenance of records by registered fish seller), in paragraph (3), for “until the end of the second calendar year following that sale” substitute “for three years”.
- (6) In regulation 6 (designation of fish auction sites)—
- (a) in paragraph (1), for “Article 9, and Article 22 of the CFP Regulation” substitute “Chapter II of Title V”;
 - (b) in paragraphs (3) and (7)(b), for “Article 9, Article 22 of the CFP Regulation” substitute “Chapter II of Title V”.
- (7) In regulation 7 (registration of fish buyers)—
- (a) in paragraph (1), for “Article 22(2)(b) of the CFP Regulation” substitute “Article 59”;
 - (b) in paragraph (3), for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 62, 63, 64, 66 and 67”;
 - (c) in paragraph 7(b), for “Article 9, Article 22 of the CFP Regulation” substitute “Article 62, 63, 64, 66 or 67”.
- (8) For regulation 8 (purchase of fish by an unregistered buyer) substitute—

“Purchase of fish by an unregistered buyer

8. Any person who buys fish contrary to Article 59(2) is guilty of an offence, unless the exemption in Article 59(3) applies.”.

- (9) In regulation 9 (maintenance of records by registered fish buyer), in paragraph (3), for “until the end of the second calendar year following that purchase” substitute “, for three years”.
- (10) In regulation 12 (penalties), in paragraph 2(c), for “9(6)” substitute “9(7)”.
- (11) In regulation 13 (powers of British sea-fishery officers in relation to fishing boats)—
- (a) for paragraph (1) substitute -
 - “(1) For the purpose of enforcing these Regulations or any equivalent provisions, any British sea-fishery officer may exercise the powers conferred by this regulation in relation to any fishing boat to which these Regulations apply.”;
 - (b) in paragraph (3) for “article” substitute “regulation”.
- (12) For regulation 15 (powers of British sea-fishery officers to seize fish) substitute—

“Powers of British sea-fishery officers to seize fish

15. Any British sea-fishery officer may seize any fish (including any receptacle that contains the fish) in respect of which the officer has reasonable grounds to suspect that an offence under these Regulations or any equivalent provision has been committed.”.

- (13) In Schedule 1 (conditions applicable to registrations of fish sellers) –
- (a) in the shoulder note, for “Article 3” substitute “regulation 3(6)”;

- (b) in paragraph 2, for “Article 9 of Council Regulation (EEC) 2847/1993”(4) substitute “Articles 62(1), 63(1), 64(1), and 64(2)”;
 - (c) after paragraph 2, add –
 - “3. Take-over declarations shall be submitted in accordance with Articles 66(1), 66(3) and 67(1).”.
- (14) In Schedule 2 (conditions applicable to designations of auction sites), in the shoulder note, for “Article 6” substitute “regulation 6(5)”.
- (15) In Schedule 3 (conditions applicable to registrations of fish buyers) -
- (a) in the shoulder note, for “Article 7” substitute “regulation 7(5)”;
 - (b) in paragraph 2, for “Article 22(2) of Council Regulation (EC) 2371/2002”(5) substitute “Articles 62(1), 63(1), 64(1), 64(2) and 65(2)”;
 - (c) after paragraph 2, add –
 - “3. Take-over declarations shall be submitted in accordance with Articles 66(1), 66(3) and 67(1).”.

(4) OJ No. L 261, 20.10.1993, p. 1, repealed by Council Regulation (EC) No 1224/2009 (OJ L 343, 22.12.2009, p.1)
(5) OJ No. L 358, 31.12.2002, p. 59, repealed by Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p.22)