STATUTORY RULES OF NORTHERN IRELAND

2014 No. 17

FISHERIES

Fisheries Regulations (Northern Ireland) 2014

Made - - - -	*21st January 2014*
Coming into operation	*1st March 2014*

The Department of Culture, Arts and Leisure [F1], makes the following Regulations in exercise of the powers conferred by sections 26(1), 37, 51(2), 52(2), 71(2)(g), 72(1), 89, 95, 114(1)(b) and 115(1)(b) [F2] of the Fisheries Act (Northern Ireland) 1966 [F3] and now vested in it [F4].

Annotations:

F1 Established by the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)), **Article 3(1)(b)**.

F2 Amended by paragraph 2(5) of Schedule 2 of the Foyle and Carlingford Fisheries (NI) Order 2007 No.915 (N.I. 9)

F3 1966 c. 17 (N.I.).

F4 S.R 1999 No. 481, **Article 3** and Schedule 1.

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Fisheries Regulations (Northern Ireland) 2014 and come into operation on 1st March 2014.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Fisheries Act (Northern Ireland) 1966;

"angling" means the fishing for, taking or killing of fish by rod and line or hand line;

"bait net" means a net with a single wall of netting loosely hung on ground and head ropes with the outer ends or wings leading to a bag or tail into which the catch is drafted or hauled and used for the purpose of taking coarse fish for use as bait;

"barbless hook" means a hook from which the barb or barbs have been removed or bent closed or which is manufactured without a barb;

"braided" in relation to a net making material means the interlocking of three or more multifilament yarns so as to form a net making material;

"catch and release", in relation to angling for salmon means carefully handling any fish caught and causing it to be returned immediately, without avoidable injury, to the water from which it was taken;

"coarse fish" means freshwater fish other than trout and rainbow trout;

"coarse fishing rod licence" means a fishing licence issued by the Department for two rods and lines or hand lines to fish for, take and kill coarse fish;

"commercial fishing" means fishing by persons who hold fishing licences issued by the Department authorising them or their agents previously authorised by them to fish otherwise than by rod and line or hand line;

"concessionary season fishing rod licence" means a fishing licence issued by the Department to a disabled angler, or to a person who has attained the age of 60 years, for one rod and line or hand line to fish for, take or kill salmon, trout and rainbow trout and for two rods and lines or hand lines to fish for, take and kill coarse fish;

"defined mouth" means the mouth of a river as defined by an order made under section 16 of the Act;

"disabled angler" means an angler who is in receipt of a disability living allowance, attendance allowance or severe disablement allowance to which that person is entitled under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F5], or in receipt of a war disablement pension to which that person is entitled under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 [F6];

"distributor" means a person through whom the Department issues certain fishing licences;

"draft net" means a net consisting of a single sheet or wall of netting loosely hung on ground and head ropes with the outer ends or wings leading to a funnel and a bag or tail into which the catch is drafted or hauled;

"earthworm" means any worm of the Family *Lumbricidae*;

"eel licence" means a fishing licence issued by the Department authorising the licence-holder only to fish for, take and kill eels;

"foul-hook" means the hooking of any salmon or freshwater fish in any part of the body other than in the mouth;

"fresh water" means all waters exclusive of tidal waters;

"game fishing rod licence" means a fishing licence issued by the Department for one rod and line or hand line to fish for, take or kill salmon and take and kill freshwater fish;

"ground bait" means any material used other than on a hook for the purpose of attracting fish whilst angling;

"hand line" means a line held in the hand to which shall be attached not more than a single baited hook;

"hook" means a hook attached to a fishing line;

"juvenile season fishing rod licence" means a fishing licence issued by the Department to a person who has not attained the age of 19 years for one rod and line to fish for, take or kill salmon, trout and rainbow trout and for two rods and lines or hand lines to fish for, take and kill coarse fish;

"licence-holder", in relation to a fishing licence, means a person named on the licence as being entitled to the licence;

"maggots" means any larvae of the Order Diptera including the house fly of the Family Muscidae and the blue-bottle or blowfly of the Family Calliphoridae;

"multifilament yarn" means a yarn constructed from a group of continuous filaments each filament of which has a diameter not greater than .05 millimetres;

"rainbow trout" means trout of the species Salmo Gairdneri;

"salmon" includes all fish of the salmon kind and sea trout;

"single wall set net" means a net consisting of a single sheet or wall of netting loosely hung on cork and sole ropes and fixed into position by anchors or stakes;

"tidal waters" means where the tide ebbs to and fro;

"trammel net" means a single sheet or loose wall of small mesh net with a sheet or wall of large mesh net hanging on either side to enable fish swimming into the net to force the fine net through the large mesh and form a pocket in which they are trapped;

"twisted and plied" in relation to a net making material means the forming of a net making material by wrapping a number of multifilament yarns round each other in such a way that there are not less than 100 turns per metre in the material.

(2) For the purposes of Parts 15 and 16 references to a river, lough or lake include any tributary or branch of that river, lough or lake and include any loughs or lakes draining into or flowing out of or forming part of any such river, tributary or branch.

(3) In these Regulations –

(a) any reference to the size of the mesh from knot to knot in any net shall be construed as a reference to such size measured along the side of the square of the mesh taken in the clear when the net is wet; and

(b) any reference to the size of any fish shall be construed as a reference to its length when measured from the tip of its snout to the fork or cleft of its tail.

Annotations:
F5 1992 c.7 (N.I.)
F6 S.I. 1983/883

Revocations

3. The Regulations listed in Schedule 8 are revoked.

PART 2

LICENCES, DUTIES AND FEES

General

4.—(1) Subject to regulation 14 (revocation of, or refusal to issue or renew a fishing licence), the Department may issue a fishing licence authorising any person to fish for, take or kill –

(a) salmon;

(b) freshwater fish;

(c) coarse fish;

(d) eels;

(e) any combination of the above.

(2) A licence issued under paragraph (1) may authorise the holder to fish for, take or kill the fish to which the licence relates by means of –

(a) any fishing engine;

(b) a rod and line or hand line;

(c) a bait net;

(d) a draft net;

(e) a single wall set net;

(f) a trammel net.

(3) A licence issued under paragraph (1) may authorise the holder to fish for, take or kill the fish to which the licence relates in –

(a) fresh water;

(b) the sea and tidal waters; or

(c) both.

(4) A licence issued under paragraph (1) shall have effect for –

(a) the calendar year of issue;

(b) fourteen days; or

(c) three days.

(5) A licence issued under paragraph (1) shall be subject to the following conditions –

(a) the licence is valid only if signed by the distributor and, in the case of an angling licence, the licence-holder;

(b) the licence is valid only if the actual date and time that the licence is issued are entered thereon;

(c) the licence is valid only if the surname, all forenames and the date of birth of the licence-holder are entered thereon;

(d) the licence is issued subject to the provisions contained in the Act and in Regulations made under the Act.

(6) Paragraph (5)(a), in so far as it requires the signature of a distributor, shall not apply in the case of a concessionary season fishing rod licence licence issued to a disabled angler.

(7) A licence issued under paragraph (1) for angling shall be in the form set out in Schedule 1, and a licence issued under paragraph (1) for commercial fishing shall be in the form set out in Schedule 2.

(8) A licence issued under paragraph (1) may be altered at any time by the Department by notice in writing served on the holder.

(9) Subject to regulation 14, a licence issued under paragraph (1) may be renewed on application made to the Department.

5. An application for a fishing licence, or for the renewal of a fishing licence, shall be made in writing to the Department, shall be accompanied by the amount specified as the duty for that licence under regulation 6, and shall contain such particulars as the Department may require.

6. Subject to Part III of the Act, there shall be payable to the Department in respect of any fishing licence specified in column 1 of Part I or 2 of Schedule 3, the duty specified opposite thereto in column 2.

7.—(1) A person who makes an application in writing to the Department for a dealer's licence under section 114 of the Act shall forward with that application the fee prescribed in Part 3 of Schedule 3.

(2) Where the holder of a dealer's licence applies for renewal of that licence under section 115 of the Act their application shall be accompanied by the fee prescribed in Part 3 of Schedule 3.

8.—(1) Subject to paragraph (2), any person who has not attained the age of 12 years shall be exempt from the requirement to hold a fishing licence for angling.

(2) Where any such person referred to in paragraph (1) uses more than one rod and line or hand line at the same time to fish for, take or kill salmon, trout and rainbow trout, or more than two rods and lines or hand lines at the same time to fish for, take or kill coarse fish, he shall be exempt from the requirement to hold a fishing licence for angling only in respect of one rod and line or hand line or two rods and lines or hand lines, as the case may be.

9. The Department may issue one concessionary season fishing rod licence in any calendar year to a disabled angler or to a person who has attained the age of 60 years.

10. The Department shall issue a game fishing rod licence to use a single game rod to any person holding a current game fishing rod and line licence issued by the Foyle, Carlingford and Irish Lights Commission on payment to the Department of duty of the amount set out in column (2) of Part I of Schedule 3 opposite the entry "Amount payable by the holder of a current Foyle, Carlingford and Irish Lights game fishing rod and line licence for a game fishing rod licence" in column (1) of that Part.

11. Fishing licences issued under regulation 4 (2) in respect of any fishing engine shall not authorise the use of that fishing engine for the taking or killing of fish other than those specified on the licence.

12. All fishing licences issued under these Regulations (other than fishing licences for angling) shall be valid only when used by the licence-holder or their agent previously authorised in writing by them.