STATUTORY RULES OF NORTHERN IRELAND

2010 No. 166

FISHERIES

Eel Fishing Regulations (Northern Ireland) 2010

Made - - - -	*27th April 2010*
Coming into operation	*1st June 2010*

The Department of Culture, Arts and Leisure (**1**) makes the following Regulations in exercise of the powers conferred by sections 15(1), 19(1), 26(1) and 37(1) of the Fisheries Act (Northern Ireland) 1966 (**2**) and now vested in it (**3**).

Citation and commencement

1. These Regulations may be cited as the Eel Fishing Regulations (Northern Ireland) 2010 and shall come into operation on 1st June 2010.

Interpretation

2. In these Regulations—

"Lough Neagh" does not include tributaries and branches thereof;

"licensed eel fisher" means a person holding a licence from the Department of Culture, Arts and Leisure authorising the licence-holder to fish for, take and kill eels by means of draft net or long line or at an eel weir and, in relation to the grading of eels only, includes the agent of the licence-holder previously authorised in writing by the licence-holder for that purpose;

"undersized eels" means eels of a length less than 30 centimetres measured from the tip of the snout to the tip of the tail;

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

"grading" means the process of sorting eels by length or weight.

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

(**2**) 1966 c. 17 (N.I.) as amended by S.I 1968 c. 31 (N.I.), S.I. 1981/227 (N.I. 7), S.R. 1983 No. 100;, S.I. 1991/1466 (N.I. 13);, 2001 c. 4 (N.I), S.I. 2007/915 (N.I 9) and 2009 c.3 (N.I)

(**3**) S.R. 1999 No. 481 Article 3 and Schedule 1. Functions formerly exercisable by the Fisheries Conservancy Board for Northern Ireland under the Fisheries Act (Northern Ireland) 1966 were transferred to the Department by section 1 of the Public Authorities (Reform) Act (Northern Ireland) 2009 (c.3 (N.I.))

Prohibition of fishing for eels

3. Subject to regulations 4 and 5, a person shall not use a fishing engine of any description for the purpose of fishing for, taking or killing eels.

Exception to prohibition: long lines and draft nets

4.—(1) Subject to paragraph (2), regulation 3 does not apply to the use of any long line or draft net in Lough Neagh upstream of the drainage flood gates at Toomebridge.

(2) A person shall not use on any long line a hook the shank of which is less than 23 millimetres in length and the gape of which, that is to say, the distance between the point and the shank, is less than 7.75 millimetres.

Exception to prohibition: eel weirs

5. Regulation 3 does not apply to the use of any fishing engine which is erected or hung in the existing eel weir at—

(a) Toome;

(b) Upper Row, Portna; or

(c) Lower Row, Portna.

Undersized eels

6.—(1) A person shall not wilfully fish for, take or kill undersized eels.

(2) Subject to paragraph (3), a person shall not land or have in their possession or control any undersized eels.

(3) Paragraph (2) does not apply to a licensed eel fisher who lands or has in his possession or control any undersized eels for the purpose of grading provided the eels are graded immediately they are landed and the undersized eels are then immediately returned to the waters from which they were taken without any avoidable injury.

Annual close seasons

7. The annual close season for the taking of eels by means of fishing engines which are erected or hung in fishing weirs or are fixed engines (other than long lines) shall be the period from the last day in February in any year to 31st May in that year.

Marking of keep boxes

8. Each keep box or other container used for the holding of eels in a lake or river shall be clearly marked in letters or figures not less than 12 millimetres in height with the name and address of, or the number of the licence held by the owner of the box or container.

Amendment of the Fisheries Regulations (Northern Ireland) 2003

9.—(1) The Fisheries Regulations (Northern Ireland) 2003 (**4**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) —

(**4**) S.R. 2003 No. 525 as amended by S.R. 2004 No. 504, S.R. 2005 No. 548, S.R. 2006 No. 517, S.R. 2007 No. 471, S.R. 2008 No.318 and S.R. 2008 No. 475. By virtue of section 1(3)(b) of, and paragraph 3(1)(c) of Part 2 of Schedule 1 to the Public Authorities (Reform) Act (Northern Ireland) 2009 references to "byelaws" in the Fisheries Act (Northern Ireland) 1966 are now to "regulations".