STATUTORY RULES OF NORTHERN IRELAND

2008 No. 300

FISHERIES

The Foyle Area (Licensing of Oyster Fishing) Regulations 2008

Made - - - -	*10th July 2008*
Coming into operation	*31st July 2008*

The Foyle, Carlingford and Irish Lights Commission, with the approval of the North/South Ministerial Council, makes the following Regulations in exercise of the powers conferred by section 13(1) and (2) of the Foyle Fisheries Act 1952(**1**) and section 13(1) and (2) of the Foyle Fisheries Act (Northern Ireland) 1952(**2**) and now vested in it(**3**).

Citation and commencement

1. These Regulations may be cited as the Foyle Area (Licensing of Oyster Fishing) Regulations 2008 and shall come into operation on 31st July 2008.

Exception

2. These Regulations do not apply to any person who is operating under the authority of, and in accordance with, an aquaculture licence granted under section 52A of the Foyle Fisheries Act (Northern Ireland) 1952 or section 53A of the Foyle Fisheries Act 1952.

Interpretation

3. In these Regulations—

"dredge" means a towed device used for the collection of molluscs from the seabed;

"Lough Foyle" means those waters in the Foyle Area bounded on the north or seaward side by an imaginary straight line drawn between Greencastle Fort in the County of Donegal and the Martello Tower at Magilligan Point in the County of Londonderry and bounded on the south by the defined mouth of the River Foyle;

"oyster" means a bivalve mollusc of the species Ostrea Edulis*;*

"oyster fishing licence" means a licence issued pursuant to regulation 7.

(**1**) Legislation of the Republic of Ireland
(**2**) 1952 c.5 (N.I.) as amended by S.I 2007/915 (N.I. 9)
(**3**) S.I. 1999/859 Article 21(1)

Licensing of oyster fishing

4.—(1) A person shall not use a dredge in any part of the Foyle Area for the purpose of taking oysters or with intent to take oysters except under and in accordance with an oyster fishing licence issued by the Commission.

(2) The Commission may issue an oyster fishing licence subject to such conditions or limitations as it considers appropriate.

Applications for oyster fishing licences

5.—(1) An application for an oyster fishing licence shall be made in writing in such form as the Commission may from time to time require and shall be accompanied by a valid —

(a) licence to fish issued by virtue of the Sea Fish (Conservation) Act 1967(**4**); or

(b) Sea Fishing Boat Licence as required in accordance with the Fisheries (Amendment) Act 2003 as inserted by the Sea Fisheries and Maritime Jurisdiction Act 2006(**5**).

(2) An application for an oyster fishing licence shall be received by the Commission no later than 31st July in the year in which the oyster fishing licence commences.

(3) An oyster fishing licence shall not be issued unless the application has been approved by the Commission and no applicant shall receive in any year more than one oyster fishing licence.

(4) Where an application has been approved under paragraph (3) an officer authorised by the Commission in that behalf shall endorse the approval on the application and shall return it to the applicant.

Payment of oyster fishing licence fee

6.—(1) The fishing licence fee specified in the Schedule shall be paid in the manner set out in paragraph (2).

(2) Where an application has been endorsed under Regulation 5(4), it may be presented by the applicant to the Commission and the whole amount of the oyster fishing licence fee shall be paid at the time of presentation.

Issue of oyster fishing licences

7. On presentation of an application endorsed under Regulation 5(4) and payment of the fee specified in the Schedule, the Commission shall issue the licence to the applicant and retain the endorsed application.

(**4**) 1967 c.84, as amended.
(**5**) Legislation of the Republic of Ireland.