STATUTORY RULES OF NORTHERN IRELAND

2008 No. 298

FISHERIES

The Foyle Area (Control 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) of the Foyle Fisheries Act 1952(**1**) and section 13(1) 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 (Control of Oyster Fishing) Regulations 2008 and shall come into operation on 31st July 2008.

Interpretation

2. In these Regulations—

"the defined mouth" in relation to any river means the mouth of that river as defined by regulations made under the Foyle Fisheries Act 1952 and the Foyle Fisheries Act (Northern Ireland) 1952;

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

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

"oyster fishing licence" means a licence issued in accordance with the Foyle Area (Licensing of Oyster Fishing) Regulations 2008;

"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;

"the River Foyle" means all of the River Foyle upstream of the defined mouth of the River Foyle;

(**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)

"seaward of Lough Foyle" means those waters in the Foyle Area which lie seawards of 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 of the defined mouth of the Culdaff River.

Exception

3. 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.

Restriction on oyster fishing

4. A person shall not use for the purpose of taking or with intent to take oysters any dredge in any area within the Foyle Area —

(1) which is within any area specified in an aquaculture licence granted under section 52A of the Foyle Fisheries Act (Northern Ireland) 1952 or section 53A of the Foyle Fisheries Act 1952; or

(2) during any period of suspension declared in relation to that area under regulation 9.

Control of oyster fishing in the Foyle Area

5.—(1) No dredge with a blade width exceeding 2 metres shall be used for the purpose of taking or with intent to take oysters.

(2) No more than two dredges with an aggregate blade width exceeding 4 metres shall be carried on any vessel for the purpose of taking or with intent to take oysters with the exception of a fishing boat proceeding to or from waters upstream of the defined mouth of the River Foyle or seaward of Lough Foyle.

(3) No dredge shall be used for the purpose of taking or with intent to take oysters on any day between 18.00 hours and 06.00 hours.

(4) No dredge shall be used for the purpose of taking or with intent to take oysters during the period beginning at 18.00 hours on any Friday and ending at 06.00 hours on the next following Monday.

(5) No dredge shall be used for the purpose of taking or with intent to take oysters during the period beginning on 1st April and ending on 18th September next following (both dates inclusive).

Restriction on size

6. No person shall retain on board a vessel, within the Foyle Area, any oysters which will pass through a circular ring of 75mm in internal diameter.

Return of oysters

7. Any person who takes any oyster, the retention of which on board a vessel is prohibited under regulation 6, shall immediately return it, without avoidable injury, as near as possible to the place from which it was taken.

Numbering of vessels

8.—(1) A person shall not use a vessel for the purpose of oyster fishing in any part of the Foyle Area unless the requirements set out in paragraph (2) are met.

(2) The requirements are—