STATUTORY RULES OF NORTHERN IRELAND

2003 No. 525

FISHERIES

Fisheries Byelaws (Northern Ireland) 2003

Made - - - - 10th December 2003

Coming into operation 1st January 2004

The Fisheries Conservancy Board for Northern Ireland, in exercise of the powers conferred on it by sections 26(1), 37, 51(2), 52(2), 70(1) and (2), 71(2)(g), 72(1), 89, 95, 97, 114(1)(b) and 115(1)(b) of the Fisheries Act (Northern Ireland) 1966(**1**) and of every other power enabling it in that behalf, with the approval of the Department of Culture, Arts and Leisure(**2**), hereby makes the following Byelaws:

PART I

INTRODUCTORY

Citation and commencement

1. These Byelaws may be cited as the Fisheries Byelaws (Northern Ireland) 2003 and shall come into operation on 1st January 2004.

Interpretation

2.—(1) In these Byelaws –

"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;

"bag net" means a net consisting of a single wall of netting and leader, one end fixed to the shore and running seawards to a floating fixed trap or cage of netting, enclosed on all sides,

(**1**) 1966 c. 17 (N.I.); section 26(1) was amended by Article 8(3) of the Fisheries (Amendment) (Northern Ireland) Order 1991 (S.I.1991/1466 (N.I. 13)) and by section 5 of the Fisheries (Amendment) Act (Northern Ireland) 2001 (2001 c. 4 (N.I.)); section 37 was substituted by section 1 of, and Schedule 1 to, the Fisheries (Amendment) Act (Northern Ireland) 1968 (1968 c. 31 (N.I.)) and was amended by Article 9 of the Fisheries (Amendment) (Northern Ireland) Order 1991 and by section 6 of the Fisheries (Amendment) Act (Northern Ireland) 2001; sections 51(2), 52(2) and 72(1) were amended by S.R. 1983 No. 100; sections 114(1)(b) and 115(1)(b) were amended by paragraph 5 of Schedule 3 to the Fisheries (Amendment) (Northern Ireland) Order 1991

(**2**) Functions transferred by virtue of S.R. 1999 No. 481 Article 3 and Schedule 1

bottom and top, except at the entrance from the leader; and with one or more sets of inscales and described in a Certificate issued under the Salmon Fishery (Ireland) Act 1863(**3**) as a bag net;

"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;

"bona fide fisherman" means a person engaged in either full-time or part-time commercial fishing;

"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;

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

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

"commercial fishing" means fishing by persons who hold fishing licences issued by the Board (other than eel licences) to fish otherwise than by rod and line or hand line, or their agents previously authorised in writing by them;

"concessionary season fishing rod licence" means a fishing licence issued by the Board 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 and kill salmon, trout and rainbow trout and for two rods and lines or hand lines to fish for, take and kill eels and 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(**4**), 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(**5**);

"distributor" means a person through whom the Board 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;

"drift net" means a net consisting of a single sheet or wall of netting loosely hung on cork and sole ropes;

"drift net licence" means a fishing licence issued by the Board authorising the use of drift nets for the taking of salmon in the sea;

"drift netting" means the use of a drift net;

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

"fixed tidal draft net" means a net consisting of a single sheet or wall of netting loosely hung on ground and head ropes without trap or cage and fixed at the shoreward and seaward ends and described in a Certificate issued under the Salmon Fishery (Ireland) Act 1863 as a fixed draft net;

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

(**3**) 1863 c. 114 (Ireland)
(**4**) 1992 c. 7
(**5**) S.I. 1983/883

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

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

"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 Board to a person who has not attained the age of 19 years for one rod and line to fish for, take and kill salmon, trout and rainbow trout and for two rods and lines or hand lines to fish for, take and kill eels and 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;

"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 draft net" means a net used in tidal waters consisting of a single sheet or wall of netting loosely hung on ground and head ropes into which the catch is drafted or hauled;

"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 XVI, XVII and XIX 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 Byelaws –

(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.

Revocations

3. The Byelaws listed in Schedule 7 are hereby revoked.

PART II

LICENCES, DUTIES AND FEES

General

4.—(1) Subject to Byelaw 24, the Board may issue a fishing licence authorising any person to fish for, take and kill –

(a) salmon, freshwater fish and eels;

(b) eels and coarse fish;

(c) salmon; or

(d) eels.

(2) A licence issued under paragraph (1) may authorise the holder to fish for, take and 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 drift net;

(f) a fixed tidal draft net;

(g) a single wall set net;

(h) a tidal draft net; or

(i) a trammel net.

(3) A licence issued under paragraph (1) may authorise the holder to fish for, take and 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 and all forenames of the licence-holder are entered thereon;

(d) the licence is issued subject to the provisions contained in the Act and in Byelaws 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 Board by notice served in writing on the holder.

(9) Subject to Byelaw 24, a licence issued under paragraph (1) may be renewed on application made to the Board.

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

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

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

(2) Where the holder of a dealer's licence applies for renewal of that licence under section 115 of the Act his application shall be accompanied by the fee prescribed in Part III 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 eels or 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 Board 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 Board 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 Board of a 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 Byelaw 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 Byelaws (other than fishing licences for angling and drift net licences) shall be valid only when used by the licence-holder or his agent previously authorised in writing by him.

13. A licence issued under Byelaw 4, other than a concessionary season fishing rod licence issued to a disabled angler, may be issued by a distributor approved by the Board in writing in that behalf.

Issue of drift net licences

14. Subject to Byelaws 15, 16 and 17, the Board shall issue a drift net licence to any person who has held a drift net licence in any one of the 3 calendar years immediately preceding his application for such a licence.