STATUTORY RULES OF NORTHERN IRELAND

2002 No. 274

FISHERIES

Fisheries (Amendment No. 2) Byelaws (Northern Ireland) 2002

Made - - - -	*2nd September 2002*
Coming into operation	*1st October 2002*

The Fisheries Conservancy Board for Northern Ireland, in exercise of the powers conferred on it by sections 26(1), 37(1) and 70 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:

Citation and commencement

1. These Byelaws may be cited as the Fisheries (Amendment No. 2) Byelaws (Northern Ireland) 2002 and shall come into operation on 1st October 2002.

Amendment of the Fisheries Byelaws (Northern Ireland) 1997

2. The Fisheries Byelaws (Northern Ireland) 1997(**3**) shall be amended as provided in Byelaws 3 to 7.

Issue of drift net licences

3. In Byelaw 8 for the words "Subject to Byelaws 9 and 10" there shall be substituted the words "Subject to Byelaws 9, 10 and 10A".

4. After Byelaw 10 there shall be inserted the following Byelaw –

> "**10A.** The Board shall not issue a drift net licence to any person under Byelaws 8 to 10 in a case where a person who held a drift net licence has undertaken, in consideration of compensation paid or payable by the Department, to make no further applications for a fishing licence to use a drift net to fish for salmon.".

(**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.)) and section 37 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

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

(**3**) S.R. 1997 No. 425 as amended by S.R. 1999 No. 12, S.R. 2000 No. 364, S.R. 2001 No. 433 and S.R. 2002 No. 11

Issue of tidal draft net licences

5. For Byelaw 16 there shall be substituted the following Byelaw –

"**16.**—(1) The maximum number of tidal draft net licences issued in any calendar year shall not exceed 2.

(2) An application for such a licence shall be received on or before 1st March in the calendar year to which the licence is to relate.

(3) Where an application for a tidal draft net licence is received from a person to whom such a licence was issued at any time during the period of 3 years ending on the last 31st December before the date of the receipt of the application, such an application shall, subject to paragraph (5), be deemed to have been received before an application received from any other person.

(4) Where the number of applications for tidal draft net licences received on or before 1st March in any calendar year exceeds 2, the licences shall, subject to paragraphs (3) and (5), be issued according to the order in which applications for those licences were received.

(5) Paragraphs (3) and (4) shall not apply to, or in relation to, an application from a person who has undertaken, in consideration of compensation paid or payable by the Department, to make no further applications for a fishing licence to use a tidal draft net to fish for salmon.".

Revocation and issue of fishing licences

6. In Byelaw 24 –

(a) the existing provision shall be numbered as paragraph (1); and

(b) after that paragraph there shall be added the following paragraph –

"(2) Subject to the provisions of these Byelaws, where, in consideration of compensation paid or payable by the Department, a person who holds a fishing licence consents to the revocation of the fishing licence and undertakes to make no further applications for a fishing licence of a particular class, the Board shall revoke that licence or (as the case may require) refuse to renew it and shall refuse to issue such person a fishing licence of the class which he has undertaken not to apply for.".

Appeal to the Department against the refusal of the Board to issue or restore a fishing licence

7. After Byelaw 29 there shall be inserted the following Byelaw –

"**29A.**—(1) Byelaws 25 to 29 shall not apply where the licence-holder or applicant has, in consideration of compensation paid or payable by the Department, consented to the revocation of the licence or (as the case may be) undertaken not to make any further applications for a fishing licence of the class the issue or renewal of which has been applied for.

(2) Byelaws 25 to 29 shall not apply where, by virtue of Byelaw 10A, the Board does not have the power to issue a drift net licence under Byelaws 8 to 10.".