STATUTORY RULES OF NORTHERN IRELAND

2001 No. 397

FISHERIES

Foyle Area and Carlingford Area (Licensing of Fishing Engines) Regulations 2001

Made - - - -	*26th October 2001*
Coming into operation	*1st January 2002*

The Foyle, Carlingford and Irish Lights Commission, in exercise of its powers under section 13(1) (amended by section 34(3) of the British-Irish Agreement Act 1999(**1**) and (2) of the Foyle Fisheries Act 1952(**1**) which stand transferred to it under section 34(1)(**1**) of the British-Irish Agreement Act 1999, and in exercise of the powers conferred by section 13(1) and (2) of the Foyle Fisheries Act (Northern Ireland) 1952(**2**) and now vested in it(**3**) and of every other power enabling it in that behalf, with the approval of the North/South Ministerial Council, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Foyle and Carlingford Area (Licensing of Fishing Engines) Regulations 2001 and shall come into operation on 1st January 2002.

Interpretation

2. In these Regulations:—

"coarse fish" means any fresh water fish other than trout and rainbow trout;

"fresh water fish" means any fish living in freshwater other than a fish of a kind that migrates to and from the sea;

"the Commission" means the Foyle, Carlingford and Irish Lights Commission;

"a licence distributor" means a person duly authorised by the Commission to distribute fishing licences in respect of fishing engines.

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

Licensing of fishing engines

3.—(1) A person shall not use a fishing engine in any part of the Foyle Area or the Carlingford Area for the purpose of taking salmon, trout, rainbow trout or coarse fish or with intent to take salmon, trout, rainbow trout or coarse fish except under and in accordance with a fishing licence issued by the Commission.

(2) A game fishing rod and line licence, a coarse fishing rod and line licence or a fishing licence in respect of any other fishing engine specified in the Schedule may, subject to these Regulations, be issued upon payment to the Commission, in the manner hereinafter prescribed, of the fishing licence fee specified in the Schedule opposite the mention of such licence or fishing engine.

(3) A fishing licence, other than a game fishing rod and line licence or a coarse fishing rod and line licence, shall not be issued to any person under the age of eighteen years.

Applications for Draft and Drift Net Licences

4.—(1) Each application for a fishing licence in respect of any fishing engine specified in Part I of the Schedule shall be in writing in such form as the Commission may from time to time require and without prejudice to the generality of the foregoing—

(a) subject to paragraphs (2) and (7) shall include the name and address of every person whom the applicant may have assisting him in using the fishing engine in respect of which the application is made;

(b) shall include in the case of an application for a fishing licence in respect of a drift net the length of the boat to be used by the applicant; and

(c) subject to paragraph (5) may include the applicant's nomination of a person to be his senior helper for the purposes of regulation 14A of the Foyle Area (Control of Netting) Regulations 1981(**4**) or otherwise.

(2) For the purposes of paragraph (1)(*a*) the maximum number of persons which an applicant may include in his application shall be—

(a) in the case of an application in respect of a draft net, 14 persons;

(b) in the case of an application in respect of a drift net to be used from a boat up to and including 7.5 metres overall length, 6 persons;

(c) in the case of an application in respect of a drift net to be used from a boat of over 7.5 metres overall length, 8 persons.

(3) Where a person nominated as a senior helper—

(a) dies;

(b) becomes incapable of fishing or assisting with fishing; or

(c) becomes a licence holder in respect of any fishing engine specified in Part I of the Schedule or in respect of a drift net or a draft net for the taking of salmon issued under the Fisheries Acts, 1959 and 1962(**5**) or the Fisheries Act (Northern Ireland) 1966(**6**);

the applicant or, where a fishing licence has already been issued, the licensee may make written request to the Commission to accept the nomination of another person, whose name and address shall be provided, to be senior helper in lieu of the person so dying, becoming incapable or becoming a licence holder and the Commission may, subject to paragraphs (4) and (5), accept such request and confirm its decision in writing and such acceptance and confirmation shall have effect as if that other person had been nominated as senior helper in accordance with paragraph (1).

(**4**) S.R 1981 No. 169; relevant amending Regulations are S.R 1985 No. 342
(**5**) Legislation of the Republic of Ireland
(**6**) 1966 c. 17 (N.I.)

(4) On receipt of a request under paragraph (3) the Commission may require a person making the request to provide such details and documentary evidence as it thinks fit.

(5) A person shall not at the same time be a nominated senior helper under this regulation and hold a licence in respect of a drift net or a draft net for the taking of salmon issued under the Fisheries Acts, 1959 and 1962, or the Fisheries Act (Northern Ireland) 1966.

(6) A person shall not at the same time hold a fishing licence in respect of any fishing engine specified in Part I of the Schedule and a licence for a drift net or a draft net for the taking of salmon issued under the Fisheries Acts, 1959 and 1962, or the Fisheries Act (Northern Ireland) 1966.

(7) An application for a fishing licence in respect of a fishing engine specified in Part I of the Schedule shall reach an office of the Commission not later than 15th January in the year in which the fishing licence is required but if the application does not include the names and addresses as required by paragraph (1)(*a*) the Commission may grant the fishing licence if the said names and addresses are supplied to it not later than 30th April in that year.

(8) A fishing licence in respect of a fishing engine specified in Part I of the Schedule shall not be granted unless the applicant therefor shall have been approved by the Commission and no applicant shall receive in any year more than one fishing licence of a particular description.

(9) Where an applicant has been approved under paragraph (8) an officer authorised by the Commission in that behalf shall endorse the approval on the application and shall return it to the applicant.

Applications for Stake, Bag and Fixed Draft Net Licences

5. An application for a fishing licence in respect of any fishing engine specified in Part II of the Schedule shall be made in writing to an office of the Commission.

Applications for Game Fishing Rod and Line Licences and Coarse Fishing Rod and Line Licences

6. An application for a game fishing rod and line licence or a coarse fishing rod and line licence specified in Part III of the Schedule may be made to the Commission or to any licence distributor.

Payment of fishing licence fee

7.—(1) The fishing licence fees specified in the Schedule shall be paid in the manner set out in paragraphs (2) to (4).

(2) Where an application in respect of any fishing engine specified in Part I of the Schedule has been endorsed under regulation 4(9)—

(a) if the application is presented to the licence distributor specified therein on or before the first day of July in any year one moiety of the fishing licence fee shall be paid at the time of presentation subject to the condition, which shall be incorporated in the fishing licence, that the second moiety shall be paid on or before the fifteenth day of July in such year;

(b) if the application is presented to the licence distributor specified therein after the first day of July in any year the whole amount of the fishing licence fee shall be paid at the time of the presentation.

(3) Where application is made to the Commission in respect of a fishing engine specified in Part II of the Schedule the fishing licence fee shall be paid in full at the time of the application.

(4) Where application is made to the Commission or to a licence distributor for a game fishing rod and line licence or a coarse fishing rod and line licence specified in Part III of the Schedule the fishing licence fee shall be paid in full at the time of the application.

Issue of fishing licences

8.—(1) Each application for a fishing licence in respect of any fishing engine specified in Part I of the Schedule which has been endorsed under regulation 4(9) may be presented by the applicant to the licence distributor specified therein who, on payment in the manner provided in regulation 7(2) of the appropriate fishing licence fee specified in the Schedule, or as the case may be, the first moiety of that fee, shall issue the appropriate licence on behalf of the Commission and shall retain the application.

(2) Where a fishing licence is issued subject to a condition as to deferred payment of a moiety of the licence fee, then if there is a breach of such condition the licence shall cease to be in force immediately upon such breach.

(3) A fishing licence in respect of any fishing engine specified in Part II of the Schedule may be issued by the Commission upon receipt of the application and the licence fee specified in the Schedule opposite the mention of such fishing engine.

(4) A game fishing rod and line licence or a coarse fishing rod and line licence specified in Part III of the Schedule may be obtained on application to the Commission or to any licence distributor, provided that no licence distributor shall save by authority given in writing in that behalf by the Commission issue to any person more than one fishing licence of a particular description.

Restriction on use of net in certain waters

9. The holder of a fishing licence issued in accordance with these Regulations shall not save by authority given in writing in that behalf by the Commission, use for the purpose of taking or with intent to take fish any net in that portion of the River Foyle which lies between the defined mouth of the river and an imaginary straight line drawn across the River Foyle to join the points where the southernmost boundary of the County of Londonderry meets the river on each side.

Revocation

10. The Foyle Area (Licensing of Fishing Engines) Regulations 1976(**7**), the Foyle Area (Licensing of Fishing Engines) (Amendment No. 2) Regulations 1985(**8**), the Foyle Area (Licensing of Fishing Engines) (Amendment No. 2) Regulations 1989(**9**), the Foyle Area (Licensing of Fishing Engines) (Amendment) Regulations 1990(**10**), and the Foyle Area (Licensing of Fishing Engines) (Amendment No. 2) Regulations 1999(**11**) are hereby revoked.

Given under the Seal of the Foyle, Carlingford and Irish Lights Commission on 26th October 2001.

R. J. D. Anderson
Chief Executive of the Loughs Agency

(**7**) S.R 1976 No. 362
(**8**) S.R 1985 No. 341
(**9**) S.R 1989 No. 461
(**10**) S.R 1989 No. 458
(**11**) S.R 1999 No. 485