STATUTORY RULES OF NORTHERN IRELAND

2001 No. 159

FISHERIES

Foyle Area and Carlingford Area (Tagging and Logbook) Regulations 2001

Made - - - -	*6th April 2001*
Coming into operation	*14th May 2001*

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**)) of the Foyle Fisheries Act 1952(**1**) which stand transferred to it under section 34(1) of the British-Irish Agreement Act 1999, and in exercise of the powers conferred by section 13(1) 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 Area and Carlingford Area (Tagging and Logbook) Regulations 2001 and shall come into operation on 14th May 2001.

Interpretation

2. In these Regulations—

"authorised agent" means a person authorised by the Commission to issue certain fishing licences;

"authorised person" has the respective meanings given to it by section 54 of the Foyle Fisheries Act 1952 and section 53 of the Foyle Fisheries Act (Northern Ireland) 1952;

"authorised senior helper" means a person nominated as a senior helper in accordance with regulation 4 of the Foyle Area (Licensing of Fishing Engines) Regulations 1976(**4**) who is authorised by the Commission to fish in the absence of the licensee under regulation 14A of the Foyle Area (Control of Netting) Regulations 1981(**5**);

(**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)
(**4**) S.R. 1976 No. 362 as amended by S.R. 1985 No. 341, S.R. 1989 No. 461,S.R. 1990 No. 458 and S.R. 1999 No. 485
(**5**) S.R. 1981 No. 69, relevant amending Regulations are S.R. 1985 No. 342

"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 sides, 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(**6**) as a bag net;

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

"dealer" means the holder of a dealer's licence granted under Part VII of the Fisheries Act (Northern Ireland) 1966(**7**) or the holder of a licence pursuant to Part X of the Fisheries (Consolidation) Act 1959(**8**) as amended authorising the holder to sell salmon and trout;

"draft net" means a single 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 single sheet or wall of netting attached to a floating head rope and a weighted ground rope, designed to drift freely at the surface of the water;

"export", in relation to a wild salmon or sea trout, means consign by any means to a place outside the Republic of Ireland and Northern Ireland;

"farmed salmon or sea trout" means a salmon or sea trout produced in a fish farm;

"fish farm" means an undertaking for the culture of fish;

"fishing licence" when used without qualification means a fishing licence issued under the Foyle Fisheries Act 1952 or the Foyle Fisheries Act (Northern Ireland) 1952 or having effect as so issued by virtue of paragraphs 4 and 5 of Schedule 5 to the 1999 Order;

"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;

"game fishing rod licence" means a game fishing rod licence, issued in pursuance of the Foyle Area (Licensing of Fishing Engines) Regulations 1976 or having effect as so issued by virtue of paragraphs 4 and 5 of Schedule 5 to the 1999 Order;

"gill tag" means a gill tag approved by the Commission;

"hand line" means a line held in the hand to which shall be attached not more than a single hook;

"holder" in relation to a logbook, means the person to whom the logbook has been issued under these Regulations;

"import", in relation to a wild salmon or sea trout, means bring by any means into the Republic of Ireland or Northern Ireland from a place outside the Republic of Ireland and Northern Ireland;

"length" in relation to a sea trout means the distance measured in a straight line from the tip of the nose to the fork of the tail;

"logbook" means, as the case may be, a one day angling logbook, a salmon and sea trout angling logbook or a salmon and sea trout commercial fishing logbook;

"officer of the Commission" has the respective meanings given to it by section 54 of the Foyle Fisheries Act 1952 and section 53 of the Foyle Fisheries Act (Northern Ireland) 1952;

"one day angling logbook" means a logbook as set out in the format prescribed in Schedule 1;

"processing" in relation to a wild salmon or sea trout, includes cutting any steaks, cutlets or other portions of salmon immediately prior to their being offered or exposed for sale;

(**6**) 1863 c. 114 (Ireland)
(**7**) 1966 c. 17 (N.I.)
(**8**) Legislation of the Republic of Ireland

"register" means a register in the form set out in Schedule 2;

"rod and line" means a fishing engine consisting of a single rod and line;

"salmon and sea trout angling logbook" means a logbook as set out in the format prescribed in Schedule 3;

"salmon and sea trout commercial fishing logbook" means a logbook as set out in the format prescribed in Schedule 4;

"supply" includes supply by way of gift or sale;

"tag" means a gill tag or a tail tag;

"tail tag" means a tail tag approved by the Commission;

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

"wild salmon" means an Atlantic salmon *salmo salar* which is not a farmed salmon;

"wild sea trout" means a sea trout *salmo truta* over 50 cm in length which is not a farmed sea trout;

"the 1999 Order" means the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999(**9**).

Tagging of wild salmon and sea trout

3.—(1) Any person, who is licensed under the Foyle Fisheries Act 1952 or the Foyle Fisheries Act (Northern Ireland) 1952 to use a fishing engine to fish for wild salmon and sea trout who captures and retains a wild salmon or sea trout shall, in the manner set out in paragraphs (2) and (3), affix or cause to be affixed to it an appropriate gill tag

(2) A gill tag shall be affixed to a wild salmon or sea trout by inserting it through the mouth of the fish to emerge from the gill opening and fully securing it using the locking mechanism so that it cannot be removed from the fish without tampering with the lock, breaking or cutting the tag or without cutting or tearing any part of the fish.

(3) Any wild salmon or sea trout captured by—

(a) a drift net shall be tagged, in accordance with paragraph (2), as soon as is practicable after capture, but before it is removed from the boat on which it was caught;

(b) draft net, bag net, fixed tidal draft net, tidal draft net, salmon boxes, hand line or rod and line shall be tagged in accordance with paragraph (2) immediately on landing the fish.

(4) In this regulation "an appropriate gill tag" means—

(a) in a case where the wild salmon or sea trout was captured by drift netting, a red gill tag;

(b) in a case where the wild salmon or sea trout was captured by rod and line or hand line, a blue gill tag;

(c) in a case where the wild salmon or sea trout was captured by bag net, fixed tidal draft net, or salmon boxes, an orange gill tag;

(d) in a case where the wild salmon or sea trout was captured by a draft net, other than a draft net mentioned in sub-paragraph (*c*), a green gill tag;

and which, in each case, meets the requirements set out in paragraph (5).

(5) The requirements mentioned in paragraph (4) are that—

(a) the gill tag has the current calendar year marked on it;

(**9**) S.I. 1999/859

(b) the gill tag has the letters "FFA" marked on it;

(c) the gill tag bears a tag number entered in a logbook issued under these Regulations to the holder of the fishing licence by whom or whose behalf the salmon or sea trout was captured;

(d) the gill tag shall not be damaged or altered in any respect; and

(e) the details marked on the gill tag shall be legible.

Issue of gill tags to holders of fishing licences

4.—(1) Any person holding a one day game fishing rod licence shall be issued by the distributor with 4 gill tags.

(2) Any person holding a game fishing rod licence, other than a one day game fishing rod licence, shall be issued by the distributor with a sufficient number of gill tags to enable him to comply with these Regulations.

(3) Any person holding a fishing licence, other than a game fishing rod licence, shall be issued by the Commission with a sufficient number of gill tags to enable him to comply with these Regulations.

(4) In this regulation "the distributor" means the Commission or authorised agent who issued the fishing licence.

Prohibitions

5.—(1) Subject to the provisions of these Regulations a person shall not—

(a) remove a tag that is affixed to a wild salmon or sea trout;

(b) affix a tag to any wild salmon or sea trout which has been unlawfully captured;

(c) sell, offer or expose for sale, export or tranship at sea any wild salmon or sea trout which has not had a tag affixed to it;

(d) have in his possession any wild salmon or sea trout which has been captured and retained whether by him or another person and which has not had a tag affixed to it;

(e) forge or alter any tag or cause or permit any tag to be forged or altered;

(f) sell, or offer or expose for sale, wild salmon or sea trout as being farmed salmon or sea trout;

(g) knowingly give false information to obtain a tag;

(h) import a wild salmon or sea trout into the Foyle Area or the Carlingford Area for the purpose of selling it unless a tail tag is affixed to that salmon or sea trout in the manner described in paragraph (4) prior to, or as soon as practicable after, its importation.

(2) A person other than the Commission or an authorised agent shall not supply a gill tag.

(3) A person other than the Commission shall not supply a tail tag.

(4) A tail tag shall be affixed to a wild salmon or sea trout by attaching it around the tail of the fish and fully securing it using the locking mechanism in such a manner as to ensure that the tag remains fixed to the fish.

(5) Paragraph (1)(*a*) shall not apply to any person who is preparing a tagged salmon or sea trout for his own consumption or for cooking, processing or smoking provided that the tag was removed at the time of preparation for consumption, cooking, processing or smoking.

(6) Paragraph (1)(*d*) shall not apply where a wild salmon or sea trout has been captured by a drift net until the wild salmon or sea trout has been removed from the boat on which it has been caught.

Issue and return of logbooks

6.—(1) The Commission shall issue a salmon and sea trout commercial fishing logbook to the holder of a fishing licence other than a game fishing rod licence.

(2) A salmon and sea trout commercial fishing logbook shall relate to one fishing licence only.

7. The Commission or an authorised agent shall issue—

(a) a salmon and sea trout angling logbook to the holder of a game fishing rod licence other than a one day game fishing rod licence;

(b) a one day angling logbook to the holder of a one day game fishing rod licence.

8.—(1) The holder of a logbook shall have the logbook in his possession when fishing for salmon or sea trout under the fishing licence to which the logbook relates.

(2) The holder of a logbook shall, upon the request of an authorised person, produce the logbook for examination by the authorised person.

(3) Where an event has occurred in respect of which it is appropriate to make an entry in a logbook, the entry shall be made by the holder of the logbook before midnight on the day on which the event occurred.

(4) The holder of a logbook shall send the logbook, duly completed, to the Commission within 21 days after the end of the period for which the fishing licence to which the logbook relates was in force together with all unused tags in his possession.

(5) The holder of a logbook shall report any loss or destruction of the logbook, as soon as possible, to the Commission.

(6) Where the person who issued a logbook is satisfied that it has been lost or destroyed, he shall replace it.

Authorised agents

9.—(1) An authorised agent shall—

(a) keep any gill tags and logbooks in his possession in a secure place;

(b) enter in a logbook being issued by him, in the manner set out in Schedule 1 or, as the case may be, Schedule 3, details of any tags being issued at the same time by him to the recipient of the logbook;

(c) keep and maintain a register in the form set out in Schedule 2.

(2) A register kept and maintained by an authorised agent may be kept and maintained by means of a computer.

(3) An officer of the Commission may, by notice in writing, require an authorised agent to produce for examination—

(a) the register kept and maintained by him or any extract from it; and

(b) any gill tags or logbooks in his possession,

at such place and reasonable time as may be specified in the notice and the authorised agent shall comply with any such notice.

Dealers

10.—(1) Subject to paragraph (2) where at any time during the period beginning with date of the coming into operation of these Regulations and ending 21 days thereafter a dealer has any wild salmon or sea trout in his possession to which a tag has not been affixed, he shall affix a tail tag