1985 No. 341

FISHERIES

Foyle Area (Licensing of Fishing Engines) (Amendment No. 2) Regulations 1985

Made	*20th November 1985*
Coming into operation . . .	*16th December 1985*

The Foyle Fisheries Commission in exercise of its powers under Section 13 of the Foyle Fisheries Act 1952(**a**) and Section 13 of the Foyle Fisheries Act (Northern Ireland) 1952(**b**) with the approval of the Minister for Fisheries and Forestry in the Republic of Ireland(**c**) and of the Department of Agriculture for Northern Ireland(**d**) hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Foyle Area (Licensing of Fishing Engines) (Amendment No. 2) Regulations 1985 and shall come into operation on 16th December 1985.

Amendment to the Foyle Area (Licensing of Fishing Engines) Regulations 1976

2. For Regulation 4 of the Foyle Area (Licensing of Fishing Engines) Regulations 1976(**e**) there shall be substituted the following Regulations:—

"*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:—

(i) 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;

(ii) 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

(iii) 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(**f**) or otherwise.

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

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

(ii) 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;

(iii) 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.

(a) No. 5 of 1952 (Republic of Ireland)
(b) 1952 c. 5 (N.I.)
(c) 1962 c. 5 (N.I.) Section 2(2)
(d) S.R. & O. (N.I.) 1963 No. 29 Art. 2(2) and Sch. Part II
(e) S.R. 1976 No. 362 as amended by S.R. 1985 No. 23
(f) S.R. 1981 No. 169 as amended by S.R. 1985 No. 342

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

(i) dies;

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

(iii) 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(**a**), or the Fisheries Act (Northern Ireland) 1966(**b**);

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) On receipt of a request under paragraph (3) the Commission may require the 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 the 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 sub-paragraph 1(i) the Commission may grant the fishing licence if the said names and addreses 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) Each application for a fishing licence in respect of a fishing engine specified in Part I of the Schedule approved by the Commission shall be so endorsed by an officer authorised by the Commission in that behalf and shall be returned to the applicant.

Applications for Stake, Bag and Fixed Draft Net Licences

4A. 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 the office of the Commission.

Applications for Game Fishing Rod Licences

4B. An application for a game fishing rod licence specified in Part III of the Schedule may be made to the Commission or to any Licence Distributor."

(**a**) No. 14 of 1959 (Republic of Ireland) as amended by No. 31 of 1962

(**b**) 1966 c. 17 (N.I.)