1981 No. 169

FISHERIES

Foyle Area (Control of Netting) Regulations 1981

Made	*25th May 1981*
Coming into operation . . .	*22nd June 1981*

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 and of the Department(**c**) of Agriculture for Northern Ireland, hereby makes the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Foyle Area (Control of Netting) Regulations 1981, and shall come into operation on 22nd June 1981.

Interpretation

2. In these Regulations—

"the Acts" mean the Foyle Fisheries Acts 1952, 1961(**d**) and 1976(**e**) and the Foyle Fisheries Acts (Northern Ireland) 1952 and 1962(**f**);

"the Carrickmore — Grange Foyle line" means a straight line drawn across the River Foyle from the downstream extremity of the left bank ferry quay in the townland of Carrickmore and County of Donegal to the downstream extremity of the right bank ferry quay in the townland of Grange Foyle and County of Tyrone, being the line marked W-W on the map;

"the defined mouth" in relation to any river means the mouth of that river as defined by an instrument made under the Fisheries Acts which is in force immediately before the establishment date or by regulations made under the Acts;

"draft 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 funnel and 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 float and sole ropes, designed to drift at the surface of the sea; the net and its attachments shall be at all times capable of free movement in the water and no weight or anchoring devices shall be added to the net or its attachments which in any way hinder or prevent this free movement;

"fishing station" means a location suitable for the shooting and drawing or hauling of a draft net;

"licence" means a licence issued by the Commission authorising the use in the Foyle Area of the kind of nets specified therein and "licensee" shall be construed accordingly;

(**a**) No. 5 of 1952 (Republic of Ireland)
(**b**) 1952 c. 5 (N.I.)
(**c**) Formerly Ministry: *see* Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)
(**d**) No. 44 of 1961 (Republic of Ireland)
(**e**) No. 13 of 1976 (Republic of Ireland)
(**f**) 1962 c. 5 (N.I.)

"Lough Foyle" means those waters in the Foyle Area bounded on the north or seaward side by an imaginary straight line drawn between Greencastle Fort in the County of Donegal and the Martello Tower at Magilligan Point in the County of Londonderry and bounded on the south by the defined mouth of the River Foyle;

"the map" means the map prepared for the purpose of the Foyle Area (Restriction of Netting) Regulations 1961(a) upon which the Commission affixed its seal immediately prior to the making of those Regulations, and which, or a copy of which, is deposited in the office of the Commission in Northern Ireland and the office of the Commission in the Republic of Ireland, notwithstanding the revocation of those Regulations, or the revocation in Regulation 20 hereof;

"river" shall be construed as including references to all tributaries of that river or all tributaries entering that river and "portion of a river" shall be construed accordingly;

"the River Foyle" means all of the River Foyle upstream of the defined mouth of the River Foyle;

"the River Roe" means all of the River Roe upstream of the defined mouth of the River Roe;

"the tidal waters of the River Foyle" means the River Foyle from the confluence of the Rivers Mourne and Finn to the defined mouth of the River Foyle;

"seaward of Lough Foyle" means those waters in the Foyle Area which are sea waters and lie seawards of an imaginary straight line drawn between Greencastle Fort in the County of Donegal and the Martello Tower at Magilligan Point in the County of Londonderry and of the defined mouth of the Culdaff River.

Licensing of nets

3. No net for the taking of salmon, other than a landing net used solely as an auxiliary to lawful angling with rod and line, shall be kept on or within 185 metres of any waters in the Foyle Area unless the net is duly licensed by the Commission.

Restriction of netting

4.—(1) A person shall not use for the purpose of taking or with intent to take fish any net other than a landing net used solely as an auxiliary to lawful angling with rod and line in the waters to which this regulation applies.

(2) This regulation applies to:—

(*a*) that portion of the River Foyle (coloured yellow on the map) between the Carrickmore — Grange Foyle line and a straight line drawn across the said River at right angles to its course through the northernmost point of the townland of Corkan Isle in the County of Donegal and being respectively the lines marked W-W and X-X on the map;

(*b*) that portion of the River Foyle (coloured blue on the map) known as the Blackwater, flowing to the east of the islands known as Corkan Isle and Islandmore and lying between straight lines drawn across the said River at right angles to its course through the northernmost point of the townland of Corkan Isle and the southernmost point of the townland of Islandmore respectively;

(*c*) all that portion of the River Foyle (coloured red on the map) upstream of a straight line drawn across the said river at right angles to its course through the southernmost point of the townland of Islandmore in the County of Donegal being the line marked Y-Y on the map;

(a) S.R. & O. (N.I.) 1961 No. 55 revoked by S.R. & O. (N.I.) 1966 No. 72

(*d*) all the tidal waters of the Rivers Finn and Mourne (coloured green on the map);

(*e*) the freshwater portion of any river in the Foyle Area.

Control of draft netting

5.—(1) No twine used in the making-up of a draft net shall have a diameter less than 0.96 millimetres.

(2) In the tidal waters of the River Foyle between the Carrickmore — Grange Foyle line and a straight line drawn across the River Foyle from the easternmost point in the townland of Drumashear in the County of Donegal to the northernmost point in the townland of Magheramason in the County of Tyrone being respectively the lines marked W-W and Z-Z on the map—

(*a*) no draft net of greater length than 147 metres shall be used for the purpose of taking or with intent to take fish;

(*b*) no draft net shall be used at a lesser distance from another draft net than 185 metres.

6. In the tidal waters of the River Foyle above or upstream of the Carrickmore — Grange Foyle line being the line marked W-W on the map—

(*a*) no draft net of greater length than 78 metres shall be used for the purpose of taking or with intent to take fish;

(*b*) no draft net shall be used at a lesser distance from another draft net than 95 metres.

7. In the River Roe upstream of its defined mouth no draft net of greater length than 78 metres shall be used for the purpose of taking or with intent to take fish.

Control of drift netting

8. No twine used in the making up of a drift net shall have a diameter less than 0.83 millimetres.

9. In Lough Foyle—

(*a*) no drift net of greater length than 915 metres shall be used for the purpose of taking or with intent to take salmon;

(*b*) no drift net shall be used for the purpose of taking or with intent to take salmon on any day between 0500 hours and 1700 hours;

(*c*) no drift net of greater length than 915 metres, or two or more drift nets which if joined together would, in their total length, be greater than 915 metres shall be carried on any boat for the purpose of taking or with intent to take salmon provided that this paragraph shall not apply to the carriage of drift nets on a fishing boat proceeding to or from waters seaward of Lough Foyle where fishing for salmon with a drift net may be lawfully carried out at that time.

10. Seaward of Lough Foyle—

(*a*) no drift net of greater length than 1372 metres shall be used for the purpose of taking or with intent to take salmon;

(*b*) no drift net shall be used for the purpose of taking or with intent to take salmon on any day between 0500 hours and 1700 hours;

(*c*) no drift net of greater length than 1372 metres or two or more drift nets which if joined together would in their total length be greater than 1372 metres shall be carried on any boat for the purpose of taking or with intent to take salmon.