1979 No. 19

FISHERIES

Eel Fishing Regulations (Northern Ireland) 1979

Made . . . . . *23rd January* 1979

Coming into operation . . . *1st April* 1979

The Department(a) of Agriculture in exercise of the powers conferred on it by section 15 of the Fisheries Act (Northern Ireland) 1966(b) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Eel Fishing Regulations (Northern Ireland) 1979 and shall come into operation on 1st April 1979.

Interpretation

2. In these regulations—

"Lough Neagh" does not include tributaries and branches thereof.

"Erne Catchment Area" includes Lough Macnean but does not include any other lake, tributary or branch connected with Upper or Lower Lough Erne or the River Erne.

"defined mouth" means the mouth of a river as defined by an Order of the Department of Agriculture under section 16 of the Fisheries Act (Northern Ireland) 1966.

"licensed eel fisherman" means a person holding a valid licence from the Fisheries Conservancy Board for Northern Ireland which permits him to catch eels in nets or eel weirs or on long lines.

"dealer's licence" means a valid licence from the Fisheries Conservancy Board for Northern Ireland which authorises a person to sell, or offer or expose for sale, eels or have eels in his possession for sale at any place or from or in any vehicle.

"undersized eels" means eels of a length less than 40 centimetres measured from the tip of the snout to the tip of the tail and shall apply to all waters in the Fisheries Conservancy Board area except Lough Neagh and its tributaries where it means eels of a length less than 30 centimetres measured from the tip of the snout to the tip of the tail.

"silver eels" means physiologically maturing eels in spawning livery migrating or waiting to migrate to the sea.

Annual close seasons

3.—(1) The annual close season for the taking of eels by means of fishing engines which are erected or hung in fishing weirs or are fixed engines (other than fyke nets or long lines) shall be the period from the last day in February in any year to 31st May in that year.

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) 1966 c. 17 (N.I.)

(2) The annual close season for the taking of eels by means of fyke nets shall be the period from 8th January in any year to 30th April in that year.

Fyke net

4.—(1) A fyke net used for the purpose of taking eels shall have—

(*a*) a leader not exceeding 7.3 metres in length;

(*b*) a trap at each end on which no hoop shall exceed 50 centimetres in diameter;

(*c*) no mesh of less size than 12 millimetres from knot to knot to be measured along the side of the square, or 24 millimetres to be measured on the stretched diagonal mesh, such measurements to be taken when the net is wet; and

(*d*) no other net or netting attached other than to join fyke nets end to end.

(2) Each fyke net or series of fyke nets used for the taking of eels shall be marked at each end by a float which protrudes at least 10 centimetres from the surface of the water when the gear is fishing.

Fixed wing net

5. A fixed wing net for the taking of eels shall be used only in the waters described in Regulation 6.

6.—(1) A fixed wing net for the taking of eels in the River Erne in the County of Fermanagh between Rosscor Viaduct and a point 800 metres downstream of Rosscor Viaduct or in the River Quoile in the County of Down between the floodgates at the Old Quoile Bridge and the tidal barrier at Hare Island shall have a leader and wing or wings each not exceeding 23 metres in length.

(2) A fixed wing net for the taking of eels in that part of Lower Lough Erne in the County of Fermanagh which lies between Rosscor Viaduct and an imaginary line running directly from North to South and passing through the western tip of Ferny Island in the Parish of Belleek and Barony of Lurg shall have a leader and wing or wings each not exceeding 230 metres in length.

7.—(1) Any fixed wing net in fishing order shall be emptied of its catch at least once during each 48 hours.

(2) Nothing in paragraph (1) shall be construed as rendering liable to any penalty a person who satisfies the court that he was prevented by floods, storm or stress of weather from complying with that paragraph.

Long line

8.—(1) A person shall not use any long line for the taking of eels except in the waters of Lough Neagh upstream of the sluice gates at Toomebridge and in the waters of the Erne Catchment Area upstream of the road bridge at Belleek.

(2) A person shall not use on any long line for the purpose of taking eels a hook the shank of which is less than 23 millimetres in length and the gape of which, that is to say the distance between the point and the shank, is less than 7.75 millimetres.