1976 No. 362

FISHERIES

Foyle Area (Licensing of Fishing Engines) Regulations 1976

Made . . . . . *8th November* 1976

Coming into operation . . . *30th November* 1976

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 Agriculture and Fisheries in the Republic of Ireland and 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 (Licensing of Fishing Engines) Regulations 1976, and shall come into operation on 30th November 1976.

Interpretation

2. In these Regulations:—

"the Commission" means the Foyle Fisheries Commission;

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

Licensing of Fishing Engines

3.—(1) A person shall not use, for the purpose of taking or with intent to take salmon, trout or rainbow trout in any part of the Foyle Area, any fishing engine in respect of which there is not for the time being in force a fishing licence issued by the Commission in pursuance of these regulations.

(2) A game fishing rod licence or a fishing licence in respect of any 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 said Schedule opposite the mention of such fishing engine.

(3) No fishing licence other than a game fishing rod licence shall be issued to any person under the age of eighteen years.

Applications for Fishing Licences

4.—(1) Each application for a fishing licence in respect of any fishing engine specified in Part 1 of the Schedule shall be in such form as the Commission may from time to time require and shall reach the office of the Commission not later than the 31st day of December in the year preceding that for which the fishing licence is required and

(a) No. 5 of 1952 (Republic of Ireland)
(b) 1952 c. 5 (N.I.)
(c) Formerly Ministry *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(i) a fishing licence shall not be granted unless the application 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;

(ii) each application 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.

(2) 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.

(3) 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.

Payment of Fishing Licence Fees

5. The fishing licence fees specified in these regulations shall be paid in the following manner:—

(1) Where an application in respect of any fishing engine specified in Part I of the Schedule has been duly approved as hereinbefore provided, then

(i) if the application is produced to the Licence Distributor specified therein on or before the first day of July in any year one moiety of the prescribed fishing licence duty 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;

(ii) if the application is produced to the Licence Distributor specified therein after the first day of July in any year the whole amount of the prescribed fishing licence duty shall be paid at the time of the presentation.

(2) 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.

(3) Where application is made to the Commission or to a Licence Distributor for a game fishing rod 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

6.—(1) Each application for a fishing licence in respect of any fishing engine specified in Part I of the Schedule which has been endorsed on behalf of the Commission may be presented by the applicant to the Licence Distributor specified therein who shall, on payment in the manner provided in paragraph (1) of regulation 5 of the appropriate licence fee specified in the Schedule, 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 duty, 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 will be issued by the Commission on receipt of the application and licence fee.