1969. No. 91 **[C]**

FISHERIES

Consolidated Bye-Laws, 1969

BYE-LAWS, DATED THE 19TH MARCH 1969, MADE BY THE FISHERIES CONSERVANCY BOARD FOR NORTHERN IRELAND WITH THE APPROVAL OF THE MINISTRY OF AGRICULTURE UNDER SECTION 26 OF THE FISHERIES ACT (NORTHERN IRELAND) 1966(a).

The Fisheries Conservancy Board for Northern Ireland (hereinafter called "the Board") in exercise of its powers under section 26 of the Fisheries Act (Northern Ireland) 1966(a) (hereinafter called "the Act") and every other power enabling it in that behalf with the approval of the Ministry of Agriculture (hereinafter called "the Ministry") hereby makes the following bye-laws:

PART I

LICENCES AND DUTIES (GENERAL)

1. These Bye-laws may be cited as the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969.

2. These Bye-laws shall (unless otherwise specified) apply to the whole of Northern Ireland except the Londonderry area as defined by the Act.

3. Subject to section 1 of the Fisheries Amendment Act (Northern Ireland) 1968, there shall be payable to the Board in respect of every fishing licence and dealer's licence a licence duty the amount of which is prescribed in the First Schedule to these Bye-laws.

4. Persons who have not attained the age of 16 years shall be exempt from the requirement to hold a fishing licence to fish for, take or kill eels or freshwater fish by rod and line or hand line only, but where any such person uses more than one rod and line or hand line at the same time he shall be exempt from such requirement only in respect of one rod and line or hand line as the case may be.

5. Any person holding a Foyle Fisheries Commission salmon rod licence for the time being in force may obtain a game fishing rod licence from the Board on payment of the amount prescribed in the First Schedule to these Bye-laws.

6. On application made in such form as the Board may prescribe (if any) the Board may issue or renew to the person making application a licence in respect of any fishing engine subject to such conditions as the Board shall attach thereto.

(a) 1966. c. 17 (N.I.).

7. All licences issued in pursuance of these Bye-laws shall be valid only during the period stated thereon.

8. Licences issued under these Bye-laws in respect of any fishing engine shall not authorise the use of that engine for the taking of fish other than those specified on the licence.

9. All fishing licences issued under these Bye-laws other than licences to fish with rod and line or hand line shall be valid only when used by the person named thereon or his agent thereunto previously authorised in writing by him.

10. Licences issued in pursuance of these Bye-laws shall be in the form set out in the Second Schedule to these Bye-laws or form to the like effect, and such licences may be sold through agents approved by the Board.

11. Where a person has been convicted of any offence under the Fisheries Acts (Northern Ireland) 1966 and 1968 the Board may (subject to the provisions of these Bye-laws) by resolution revoke any fishing licence held by such person (or as the case may be refuse to issue to such person a fishing licence or renew any fishing licence held by such person).

PART II

APPEAL TO THE MINISTRY AGAINST THE REFUSAL OF THE BOARD TO ISSUE OR RESTORE A LICENCE

12. Where the Board proposes to revoke a fishing licence or refuse to issue or renew a fishing licence, it shall give to the holder of the fishing licence or the person applying for issue or renewal of a fishing licence (in this part referred to as "the applicant") at least 14 days prior notice in writing of its intention so to do, and before revoking the fishing licence or refusing to issue or renew a fishing licence as aforesaid shall consider any representations in relation thereto made by or on behalf of the holder of the fishing licence or the applicant before the expiration of the notice.

13. Where the Board revokes a fishing licence or refuses to issue or renew a fishing licence, it shall send by registered post or the recorded delivery service to the person whose licence has been revoked or (as the case may be) to the applicant notice of the revocation or refusal to issue or renew the fishing licence, and shall inform such person of his right of appeal under this part and of the time within which the appeal may be brought.

14. Where the Board revokes a fishing licence or refuses to issue or renew a fishing licence, the person to whom notice under Bye-law 13 hereof has been given may within fourteen days from the date on which such notice is served on him appeal to the Ministry.

15. An appeal under this part shall be initiated by notice to be signed by the appellant or his agent and delivered or sent by registered post or the recorded delivery service to the Ministry and the Board within the period specified in Bye-law 14 hereof.

16. On the hearing of such appeal where the Ministry reverses the Board's decision the Board shall forthwith issue to the appellant or renew the fishing licence for which the application was made by him or, as the case may be, restore the fishing licence which was revoked.

17. When a licence has been revoked under these Bye-laws the person who was the holder of the licence shall within 14 days of receiving a request for its return to the Board, return the licence to the Board together with any copies thereof issued to him by the Board.

PART III

COARSE FISHING ROD LICENCES

18. A coarse fishing rod licence (as prescribed in the First Schedule to these Bye-laws) shall be valid only on waters which shall be designated from time to time by Bye-laws of the Board as coarse fishing waters on which a coarse fishing rod licence may be used.

19. The holder of a coarse fishing rod licence must return immediately to the water from which they were taken, without avoidable injury, any salmon, trout or rainbow trout inadvertently caught by him.

PART IV

FISHING ENGINES OTHER THAN ROD AND LINE OR HAND LINE

20. Subject to the conditions specified in the Act and these Bye-laws and on any licences issued thereunder, single wall trammel or set nets, draft nets and bait nets (as prescribed in the First Schedule to these Bye-laws) may be used for the taking of freshwater fish other than trout or rainbow trout, and long lines may be used for the capture of pike, on such areas of Upper and Lower Lough Erne and on such other lakes draining into Upper and Lower Lough Erne as the Board, with the approval of the Ministry, may by Bye-law designate as waters where specified kinds of fishing (other than by rod and line or hand line) may take place.

21. Subject to the conditions specified in the Act and these Bye-laws and on any licences issued thereunder, single wall trammel or set nets, draft nets and bait nets (as prescribed in the First Schedule to these Bye-laws) may be used on Lough Neagh for the taking of freshwater fish other than trout.

22. Subject to the conditions specified in the Act and these Bye-laws and on any licences issued thereunder, single wall trammel or set nets (as prescribed in the First Schedule to these Bye-laws) for the taking of trout may be used on Lough Neagh.

23. Subject to the conditions specified in the Act and these Bye-laws and on any licences issued thereunder, a fishing weir may be used on the River Bann at The Cutts, Coleraine, for the taking of salmon.

24. Subject to the conditions specified in the Act and these Bye-laws and on any licences issued thereunder draft nets and drift nets (as prescribed in the First Schedule to these Bye-laws) may be used for the taking of salmon in tidal waters.

Restrictions on the use of Fishing Engines other than rod and line or hand line.

25. No person shall use for the purpose of taking or with intent to take salmon or freshwater fish any net, other than a landing net used solely as an auxiliary to lawful angling with rod and line or hand line, which contains any mesh made of a single filament of synthetic material.

26. No person shall use a single wall set net or trammel net for the taking of pollen on Lough Neagh or Lough Erne with a mesh less than one inch from knot to knot or greater than one and one-quarter inches from knot to knot, such measurements to be taken along the side of the square of the mesh and to be taken in the clear when the net is wet.

27. The maximum length of a single wall set net or trammel net used for the taking of trout in Lough Neagh which may be used at any time by any one licensee shall be 1350 yards of net as hung whether used as one or more nets.

28. Each net or row of nets of a single wall set net or trammel net used for the taking of trout in Lough Neagh shall be marked at each end with a float projecting not less than 4 inches above the water and not less than 4 inches across.

29. Each float referred to in Bye-law 28 shall have clearly and legibly painted or otherwise fixed thereon in figures of not less than one half inch in height such number as the Board may allocate to the licensee of the net (or such number as the Board may allocate to the net or row of nets of which the float shall be a mark), and at all times when the net or row of nets shall be fishing such number shall be clearly legible.

30. No person other than the licensee or the servant or agent previously authorised in writing of the licensee shall use or cause or permit to be used on any float the number referred to in Bye-law 29.

31. Until the first day of March 1971 the Board may, if it thinks fit, permit the licensee of a single wall set net or trammel net for the taking of trout in Lough Neagh to use a net with

a mesh of a less size than that permitted by section 72(1)(*b*) of the Act. So however that any such permission shall not extend to the use of a net with a mesh of less size than one and one-half inches from knot to knot to be measured along the side of the square or six inches to be measured all round each mesh, such measurement being taken in the clear when the net is wet.

32. A bait net shall not exceed fifty yards in length and shall have a mesh of not more than one-quarter inch from knot to knot to be measured along the side of the square or one inch to be measured all round each mesh, such measurements to be taken in the clear when the net is wet.

33. A bait net shall not be used for catching salmon or trout or the fry of salmon or trout, and any such fish caught or taken in a bait net shall be returned immediately, without avoidable injury, to the water from which they were taken.

34. Baits used on long lines for the capture of pike shall not be of less length than four inches, and the use of worms on long lines for the capture of pike is not permitted.

35. The mesh of the tail (which shall not exceed 8 feet in length) of any draft net for use in freshwater for taking salmon and freshwater fish shall be of a size not less than one-quarter inch from knot to knot to be measured along the side of the square or one inch to be measured all round each mesh, such measurements being taken in the clear when the net is wet.

36. No person licensed to use any draft net under section 71 of the Act shall take or have on board any boat on or from which any such draft net is used any trout of a size less than twelve inches measured from the tip of the snout to the fork or cleft of the tail.

37. Where any draft net is used in the course of any fishing operations conducted by means of a fishing boat, and any trout of less than the minimum size prescribed by Bye-law 36 hereof is taken on board, the master, owner, charterer or other person in charge of the boat shall cause such trout to be returned immediately, without avoidable injury, to the waters from which it was taken.

38. On Lough Neagh no person shall use any net for the capture of salmon or freshwater fish in Toome Bay within one mile of the drainage flood gates at Toomebridge.

39. If a draft net or a tidal draft net be operated from the shore the manner of using such a net shall be as follows, namely:

One end of the rope of the net shall be held on the shore or bank, and the net shall be shot or paid out from a boat which shall start from such shore or bank and return thereto without avoidable pause or delay, and the net shall thereupon be drawn into and landed on such shore or bank.