Foyle Area (Elections to Advisory Council) Regulations, 1952

REGULATIONS DATED 9TH SEPTEMBER, 1952 MADE BY THE FOYLE FISHERIES COMMISSION WITH THE APPROVAL OF THE MINISTER FOR AGRICULTURE OF THE REPUBLIC OF IRELAND UNDER SECTION 13 OF THE FOYLE FISHERIES ACT, 1952, AND OF THE MINISTRY OF COMMERCE FOR NORTHERN IRELAND UNDER SECTION 13 OF THE FOYLE FISHERIES ACT (NORTHERN IRELAND), 1952.

1952. No. 183

The Foyle Fisheries Commission, hereinafter referred to as the Commission, in exercise of its powers under Section 13 and Paragraphs 3 and 4 of the Fourth Schedule to the Foyle Fisheries Act, 1952, and Section 13 and Paragraphs 3 and 4 of the Fourth Schedule to the Foyle Fisheries Act (Northern Ireland), 1952, hereby makes the following regulations :—

1. These regulations may be cited as the Foyle Area (Elections to Advisory Council) Regulations, 1952.

2. In these regulations any reference to a fishing licence of a particular kind shall be construed as a reference to a licence of that kind issued by the Commission in the election year in pursuance of the Foyle Area (Licensing of Fishing Engines) Regulations, 1952.

3. The Foyle Area shall be divided into two electoral divisions viz :—

(*a*) An upper electoral division comprising the waters of the River Foyle to the south of the line across that River formed by the southernmost boundary of the County of Londonderry, and any waters connected with the said river which enter it to the south of that line.

(*b*) A lower electoral division comprising all the waters of the Foyle Area other than those comprised in the upper electoral division.

4. There shall be elected to the Advisory Council —

(*a*) in the upper electoral division two members (hereinafter referred to as rod licensee members) elected by persons holding salmon rod licences, four members (hereinafter referred to as net licensee members) elected by persons holding fishing licences other than salmon rod licences, and one member (hereinafter referred to as a ratepayers' member) elected by rated occupiers of fisheries,

(*b*) in the lower electoral division two rod licensee members, two net licensee members and one ratepayers' member.

5.—(1) The persons entitled by law to vote at an election for elected members of the Advisory Council shall vote in either of the two electoral divisions as follows —

(*a*) In the upper electoral division

(i) every holder of a licence for a draft net to be used in the Foyle tideway within that division,

(ii) every holder of a licence for a draft net to be used in any part of the Foyle Area other than the Foyle tideway who resides to the south of the boundary line mentioned in Paragraph 3.

(iii) every holder of a licence for a salmon rod who resides to the south of the said boundary line,

(iv) every person who is entitled to vote as rated occupier of a fishery or fisheries situated in the upper electoral division.

(*b*) (i) In the lower electoral division every holder of a licence for a draft net to be used in the Foyle tideway within that division,

(ii) every holder of a stake net, bag net or drift net licence,

(iii) every holder of a licence for a draft net to be used in any part of the Foyle Area other than the Foyle tideway who resides to the north of the said boundary line,

(iv) every holder of a licence for a salmon rod who resides to the north of the said boundary line,

(v) every person who is entitled to vote as rated occupier of a fishery or fisheries situate in the lower electoral division.

(2) For the purposes of this Paragraph

(*a*) a licence holder who ordinarily resides in the Foyle area shall be deemed to reside at the address appearing on his fishing licence,

(*b*) a licence holder who ordinarily resides outside the Foyle area shall be deemed to reside at the place where the licence was issued.

6.—(1) In each election year a returning officer shall be appointed by the Commission.

(2) After the 1st and not later than the 10th day of October 1952 and after the 1st and not later than the 10th day of October in each third year thereafter the returning officer shall publish a notice stating the number of rod licensee members, net licensee members and ratepayers' members to be elected to the Advisory Council and shall send a copy of such notice by post with a nomination paper to every elector.

(3) The notice shall specify a day on or before which the nomination papers are to be sent to the returning officer.

7. An elector (being the holder of a salmon rod licence, the holder of a licence other than a salmon rod or the rated occupier of a fishery) may in the presence of a witness enter on the nomination paper his own name or the name or names of any other qualified person (not exceeding the number of rod licensee members, net licensee members or ratepayers' members as the case may be, to be elected in the division in which the elector is entitled to vote, which particulars shall be included in the nomination paper), and the nomination paper having been duly witnessed the elector shall send it by post to the returning officer on or before the specified day.

8. If the number of persons nominated for election as a particular class of member in an electoral division is equal to or less than the number of such persons to be elected in that division the persons nominated shall be deemed to be elected and shall be certified as elected by the returning officer under his hand.

9. If the number of persons nominated for election as a particular class of member in an electoral division exceeds the number of such members to be elected in that division, the returning officer shall send by post to each elector for that particular class of member in that division, a voting paper containing in alphabetical order, the names of all persons so nominated and shall specify a day not less than five days or more than ten days from the date of sending the voting paper, on or before which the voting paper is to be delivered to him. The voting papers may be sent to the returning officer by post.

10.—(1) Every voter shall insert against the name of every candidate for whom he intends to vote the number of votes (not exceeding in the whole the number of votes to which he is entitled) which he intends to give to the candidate and sign the voting paper with his name and address.

(2) A voter may give all his votes to one candidate or distribute them among such of the candidates (not exceeding the number to be elected) as he thinks fit.

(3) If a voter in an electoral division (being the holder of a salmon rod licence, the holder of a licence other than a salmon rod or a rated occupier of a fishery) votes for more candidates than the number of rod licensee members, net licensee members or ratepayers' members, as the case may be, to be elected in that division his voting paper shall be void.

11.—(1) Each voter being the holder of a salmon rod licence or the holder of a licence other than a salmon rod shall be entitled to the number of votes following:—