1992 No. 45

FISHERIES

Fisheries (Amendment) Byelaws (Northern Ireland) 1992

Made . . . . . *6th February 1992*

Coming into operation . . *1st March 1992*

The Fisheries Conservancy Board for Northern Ireland, in exercise of the powers conferred on it by sections 26(1), 37, 51(2), 52(2), 71(2), 72(1), 89 and 97 of the Fisheries Act (Northern Ireland) 1966(**a**) and of every other power enabling it in that behalf, with the approval of the Department of Agriculture, hereby makes the following Byelaws:

Citation and commencement

1. These Byelaws may be cited as the Fisheries (Amendment) Byelaws (Northern Ireland) 1992 and shall come into operation on 1st March 1992.

Amendment of the Fisheries Consolidated and Amendment Byelaws (Northern Ireland) 1989

2. The Fisheries Consolidated and Amendment Byelaws (Northern Ireland) 1989(**b**) shall be amended as provided in byelaws 3 to 11.

Introductory

3. In Part I, after byelaw 2(2) there shall be inserted—

"(3) In these Byelaws—

(*a*) references to the size of the mesh from knot to knot in any net shall be construed as a reference to such size measured along the side of the square of the mesh taken in the clear when the net is wet; and

(*b*) reference to the size of any fish shall be construed as a reference to its length when measured from the tip of its snout to the fork or cleft of its tail".

General restrictions on the use of fishing engines other than rod and line or hand line

4. In Part VI—

(*a*) in byelaw 34 for the words "to be measured along the side of the square" to the end there shall be substituted—

(a) 1966 c. 17 (N.I.)
(b) S.R. (N.I.) 1989 No. 483

"or 26 millimetres to be measured all round each mesh when the measurement is taken in the clear and the net is wet"; and

(*b*) in byelaw 36 for the words "to be measured along the side of the square," to the end there shall be substituted—

"or 24 millimetres to be measured all round each mesh when the measurement is taken in the clear and the net is wet.".

Restrictions on the use of fishing engines other than rod and line or hand line on Lough Neagh and Upper and Lower Lough Erne

5. In Part VII, for byelaw 37 there shall be substituted—

"**37.** A person shall not use a single wall set net or trammel net—

(*a*) for the taking of pollen in Lough Neagh or Lough Erne unless it has a mesh of 27 millimetres or more from knot to knot;

(*b*) for the taking of perch in Lough Neagh unless it has a mesh of 27 millimetres or more from knot to knot;

(*c*) for the taking of pike or bream in Lough Neagh unless it has a mesh of 51 millimetres or more from knot to knot; or

(*d*) for the taking of trout on Lough Neagh unless it has a mesh of 57 millimetres or more from knot to knot.".

Additional and specific restrictions on the use of fishing engines other than rod and line or hand line on Upper and Lower Lough Erne

6. In Part IX—

(*a*) for byelaw 45 there shall be substituted—

"**45.** A person shall not use a single wall set net or trammel net for the taking of coarse fish on Upper or Lower Lough Erne unless it has a mesh of 63 millimetres or more from knot to knot."; and

(*b*) byelaw 47 is revoked.

Takeable size and sale of trout and pollen

7. In Part X—

(*a*) for the sub-title there shall be substituted—

"TAKEABLE SIZE AND SALE OF TROUT AND POLLEN (COMMERCIAL FISHING AND ANGLING)";

(*b*) for byelaw 49 there shall be substituted—

"**49.** A person shall not in the freshwater portion of any river, or in any lake, to which section 25 of the Act applies—

(*a*) use a draft net under section 71(2) of the Act to take;

(*b*) have on board any boat on or from which such a net was used; or

(*c*) in the vicinity of such waters have in his possession,

a trout of a size less than 35.5 centimetres.";

(*c*) after byelaw 49 there shall be inserted—

"**49A.** For the purposes of section 52 of the Act "undersized pollen" means pollen of a size less than 20.5 centimetres.";

(*d*) in byelaw 50 for the word "coarse" there shall be substituted "course"; and

(*e*) for bye law 51 there shall be substituted—

"**51.** For the purposes of section 51 of the Act "immature" in relation to trout means such fish of a size less than 35.5 centimetres.".

Restrictions on methods of fishing for salmon and freshwater fish

8. In Part XIV, for the word "SALMOM" in the sub-title there shall be substituted "SALMON".

Close seasons and times for fishing other than by rod and line or handline

9. In Part XVII—

(*a*) in byelaw 78—

(i) for the word "pollen" where it first occurs there shall be substituted "any coarse fish"; and

(ii) for the word "pollen" where it next occurs there shall be substituted "that coarse fish";

(*b*) after byelaw 78 there shall be inserted—

"**78A.** A person shall not, on Lough Neagh, take any perch, bream or pike with a fishing engine, other than a rod and line or hand line—

(*a*) from 1st March to 31st May (both dates inclusive); or

(*b*) between 0600 hours on any Saturday and 0600 hours on the next following Monday."; and

(*c*) in byelaw 79(1) for "30th September in each year" there shall be substituted "31st October (both dates inclusive)".

10. After Part XVII there shall be inserted—

"PART XVIII"

PROHIBITION ON ANY PERSON HAVING IN THEIR POSSESSION UNDERSIZED PIKE OR PERCH WHICH HAVE BEEN TAKEN BY FISHING ENGINE

80. A person shall not in any fisheries to which section 25 of the Act applies, take by means of a net—

(*a*) pike of a size less than 60 centimetres; or

(*b*) perch of a size less than 16.5 centimetres.

81. A person shall not have in his possession, or on board any boat on or from which any net is used to take fish in fisheries to which section 25 of the Act applies, any fish referred to in byelaw 80.".

List of waters on which a coarse fishing rod licence is valid

11. In Schedule 2 under Co. Antrim and Co. Londonderry for the words "Northern end of South Derryheglish Woods" in each case there shall be substituted "the railway bridge at Drumaheglis".

Sealed with the Common Seal of the Fisheries Conservancy Board on 6th February 1992.

(L.S.) *R. T. Jordan*
Chairman

(L.S.) *W. F. Smith*
Secretary

The Department of Agriculture hereby approves the foregoing Byelaws.

Sealed with the Official Seal of the Department of Agriculture on 6th February 1992.

(L.S.) *L. Sinclair*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Byelaws.)

These Byelaws make amendments and add new Byelaws to the Fisheries Consolidated and Amendment Byelaws (Northern Ireland) 1989.

The principal changes are as follows:—

1. Byelaw 5 changes or introduces new mesh sizes for single wall set nets or trammel nets so that persons are restricted from taking—

(*a*) in Lough Neagh or Lough Erne, pollen unless the net has a mesh of 27 millimetres or more from knot to knot; and

(*b*) in Lough Neagh, perch unless the net has a mesh of 27 millimetres or more, pike or bream unless the net has a mesh of 51 millimetres or more and trout unless the net has a mesh of 57 millimetres or more, all measurements from knot to knot.

2. Byelaw 6 changes the mesh size in respect of set nets and trammel nets for the capture of coarse fish on both Upper and Lower Lough Erne so that it is now not less than 63 millimetres from knot to knot.

3. Byelaw7(*b*) provides for an increase in the size of trout which a person may take or have on board a boat from which a draft net is used from 30 centimetres to 35.5 centimetres.

4. Under Byelaw 7(*c*) undersized pollen now mean pollen of a length less than 20.5 centimetres. Under section 52 of the Fisheries Act (Northern Ireland) 1966 it is an offence to take, possess, kill, destroy, buy, sell or offer for sale any undersized pollen.

5. Byelaw 7(*e*) increases the length of trout which may be bought, sold, offered or exposed for sale from 30 centimetres to 35.5 centimetres.

6. Byelaw 9(*b*) provides for the introduction of a close season from 1st March to 31st May in each year and the introduction of a week-end close season between 0600 hours of each Saturday and 0600 hours on the next following Monday in respect of commercial fishing on Lough Neagh for perch, bream and pike.

7. Under Byelaw 9(*c*) there is a reduction in the commercial fishing season for pike in Lough Erne from 1st October to 8th March to 1st November to 8th March in each year.

8. Byelaw 10 extends the present prohibition on Lough Erne on the taking or having on board any boat from which a net is used to capture pike, any pike of a size not less than 60 centimetres. It is now prohibited—

(*a*) to take by means of a net on any waters under the jurisdiction of the Fisheries Conservancy Board for Northern Ireland, any pike of a size less than 60 centimetres or perch of a size less than 16.5 centimetres; or

(*b*) for a person to have in his possession, or on board any boat from which a net is used to take fish on such waters, any such fish.