1995 No. 196

FISHERIES

Foyle Area (Angling) Regulations 1995

Made	*4th May 1995*
Coming into operation . .	*1st June 1995*

The Foyle Fisheries Commission in exercise of its powers under section 13(1) of the Foyle Fisheries Act 1952(**a**), and section 13(1) of the Foyle Fisheries Act (Northern Ireland) 1952(**b**), with the approval of the Minister for the Marine in the Republic of Ireland(**c**) and of the Department of Agriculture for Northern Ireland(**d**) and of every other power enabling it in that behalf hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Foyle Area (Angling) Regulations 1995 and shall come into operation on 1st June 1995.

Interpretation

2. In these Regulations—

"all lawful methods" means any method of angling except a method forbidden by any statutory provision for the time being in force;

"bait fishing" means angling with rod and line and one single hook baited with one or more earthworms;

"earthworm" means any worm of the Family Lumbricidae;

"fishing for coarse fish" means the use of a single rod, reel (including a fixed spool reel) line and hook for fish other than salmon, trout or rainbow trout where the length of the line to which the hook is attached has a breaking strain of less than 2.0 kg and the gape of the hook does not exceed 4 mm;

"fly fishing" means the use of a single rod, reel, fly line or blow line and a single cast carrying not more than 3 artificial or winged natural flies;

"foul hook" means the hooking of any salmon or freshwater fish in any part of the body other than in the mouth;

"gape" in relation to a fishing hook means the distance when the hook is normally aligned between the point of the hook and the shank of the hook;

(**a**) No. 5 of 1952 (Republic of Ireland)
(**b**) 1952 c. 5 (N.I.)
(**c**) *See* 1962 c. 5 (N.I.) section 2(2)
(**d**) *See* S.R. & O. (N.I.) 1963 No. 29 Art. 2(2) and Sch. Part II

"ground bait" means any material used other than on a hook for the purpose of attracting fish whilst angling;

"hook" means a hook attached to a fishing line;

"length" in relation to fish means the measurement from the tip of the snout to the fork or cleft of the tail;

"maggots" means any larvae of the Order Diptera including the house fly of the Family Muscidae, and the blue-bottle or blow-fly of the Family Calliphoridae;

"night fishing" means angling between one hour after sunset and one hour before sunrise;

"prawns" means those members of the Class Crustacea commonly known as prawns (whether fresh or preserved, dyed or natural colour) and any part thereof;

"shrimps" means those members of the Class Crustacea commonly known as shrimps (whether fresh or preserved, dyed or natural colour) and any part thereof;

"spinning" means the use of a single rod, reel (including a fixed spool reel) and line designed to cast or throw an artificial or natural bait and retrieve the bait by rewinding the line onto the drum of the reel with the bait kept in motion throughout.

Methods of angling

3. Subject to regulation 4(3) the only methods of angling which shall be permitted in waters described in the first column of Schedules 1 and 3 shall be those methods specified in the second column of each of those Schedules and the exercise of those methods shall be subject to any restrictions as to the number and minimum length of fish which may be retained on any one day, which are specified in the third column of each of those Schedules.

Prohibitions and restrictions

4.—(1) Angling by any method is prohibited in the areas of the River Roe, the River Faughan and the River Mourne described in Schedule 2.

(2) The use of prawns or shrimps as a bait when angling in the Foyle Area is prohibited.

(3) Angling with any type of float, or similar device, designed to suspend a bait or lure in water is prohibited in any river or other waters in the Foyle Area, except when fishing for coarse fish in the waters described in Schedule 4, or when fishing with an artificial fly used in conjunction with a float in the waters described in that Schedule.

(4) The use of any matter of vegetable origin or maggots or earthworms as a bait when spinning is prohibited.

(5) The use of ground bait is prohibited whilst fishing:—

(*a*) in the waters described in Schedule 1;

(*b*) in the waters described in Schedule 3, except when fishing for coarse fish.

(6) A person shall not in any part of the Foyle Area snatch or foul hook or attempt to snatch or foul hook salmon with any kind of hook or combination of hooks whether or not covered in part or in whole with any matter or thing and whether or not used with a rod and line.

(7) A person shall not use a boat for the purpose of angling on Lough Ash, Lough Braden, Lough Lee or Moorlough in County Tyrone or on the waters of Binevenagh Dam in County Londonderry.

Revocation

5. The Foyle Area (Angling) Regulations 1990(**a**) are hereby revoked.

GIVEN UNDER the Common Seal of the Foyle Fisheries Commission on 4th May 1995.

(L.S) *J. Keohane*
Member of the Commission appointed by the Minister for the Marine

(L.S) *J. S. Allister*
Member of the Commission appointed by the Department of Agriculture for Northern Ireland

The Minister for the Marine hereby approves the foregoing Regulations

The Department of Agriculture for Northern Ireland hereby approves the foregoing Regulations

Sealed with the Official Seal of the Minister for the Marine on 5th May 1995.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 16th May 1995.

(L.S) *S. White*
A person authorised by the Minister for the Marine to authenticate the Official Seal of the Minister.

(L.S.) *G. Lavery*
Assistant Secretary
Department of Agriculture for Northern Ireland.

(a) S.R. 1990 No. 262

SCHEDULE 1

regulations 3 and 4(5)(*a*)

	Description of Waters	*Methods of Angling Permitted*	*Restrictions on number and minimum length of fish which may be retained on any one day*
1.	Lough Ash, Lough Braden, Lough Lee and Moorlough all in County Tyrone and Binevenagh Dam in County Londonderry.	Fly fishing, spinning and bait fishing.	4 trout each with a minimum length of 25.4 cm.
2.	River Mourne, County Tyrone (except that area mentioned in Schedule 2 where angling is prohibited).		
	(*a*) Victoria Bridge stretch being the west bank of the River Mourne from the road bridge at Victoria Bridge to the railway Bridge known as Camus Railway Bridge in the townland of Seein.	Fly fishing, spinning and bait fishing, except that in the waters described in Schedule 4, the use of a single artificial fly used in conjunction with a float is permitted.	None.
	(*b*) Sion Mills stretch being the east bank of the River Mourne extending from the footbridge at the boundary between the townlands of Carrigullin and Bearney Glebe to the boundary between the townlands of Carrigullin and Stragullin and the west bank extending from the weir at Sion	Fly fishing, spinning and bait fishing, except that in the waters described in Schedule 4, the use of a single artificial fly used in conjunction with a float is permitted.	None.

Description of Waters	*Methods of Angling Permitted*	*Restrictions on number and minimum length of fish which may be retained on any one day*
Mills in the townland of Liggartown to the boundary between the townlands of Ballyfatten and Strabane Union.		
3. River Roe and tributaries and River Faughan and tributaries (except those areas mentioned in Schedule 2 where angling is prohibited).	Fly fishing where the breaking strain of the cast shall not exceed 3.7 kg for night fishing and 6.9 kg for fishing at other times and where no more than two single dressed fly hooks of normal weight spaced at least 0.61 m apart are used for night fishing. Bait fishing where the gape of the hook does not exceed 9 mm, the breaking strain of the line does not exceed 4.6 kg and the maximum length of the rod does not exceed 2.75 m, provided that this method is not used for night fishing. Spinning where the gape of the hook does not exceed 7 mm, the breaking strain of the line does not exceed 4.6 kg and the maximum length of the rod does not exceed 2.75 m provided that this method is not used for night fishing.	Salmon and trout with a minimum length of 25.4 cm.

Fishery	*Area where angling is prohibited*
River Roe	(*a*) From and within 45.8 metres downstream of the weir known as O'Cahan's Rock in the townland of Deerpark, County Londonderry. (*b*) From and within 45.8 metres downstream of the weir known as Given's Weir in the townland of Terrydremond, County Londonderry.
River Faughan	(*a*) From and within 91.5 metres downstream of the weir known as Ballyarton Weir in the townland of Lettermuck, County Londonderry. (*b*) From and within 91.5 metres downstream of the weir known as Bleachgreen Weir in the townland of Ardmore, County Londonderry, measured from an imaginary straight line drawn at right angles to the course of the river through the right or eastern bank extremity of the weir. (*c*) Downstream of the Department of the Environment's barrage in the townland of Campsie, County Londonderry, for 54.9 metres on the left or western side and for 123.5 metres on the right or eastern side of the river.
River Mourne	From and within 42.0 metres downstream of the weir at Sion Mills in the townlands of Camus and Liggartown, County Tyrone, except that on the left or western side of the river angling may not take place from and within 64.0 metres downstream of the said weir.

SCHEDULE 3

regulations 3 and 4(5)(*b*)

Description of Waters	*Methods of Angling Permitted*	*Restrictions on number and minimum length of fish which may be retained on any one day*
All waters in the Foyle Area except those listed in Schedules 1 and 2.	All lawful methods.	None.

SCHEDULE 4 regulation 4(3)

Fishery	*Area where float fishing is permitted*
River Finn	Upstream of Clady Bridge in the townlands of Cloughfin, County Donegal and Donnygowen, County Tyrone to Liscooley Bridge in the townlands of Liscooley and Carrandorre, County Donegal.
River Mourne	Upstream of the Weir at Sion Mills in the townlands of Camus and Liggartown, County Tyrone as far as a line drawn across the river following the line of the former railway bridge in the townlands of Camus and Liggartown, County Tyrone.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations which revoke and replace the Foyle Area (Angling) Regulations 1990 specify the methods of angling which are permitted in certain waters in the Foyle Area and provide for a minimum length and number of fish which may be retained on one day (regulation 3). They also specify stretches of certain rivers where angling by any method is prohibited, prohibit the use of prawns or shrimps as bait and restrict the use of floats (regulation 4(1) to (3)). They also prohibit the use of certain vegetable bait when spinning (regulation 4(4)), restrict the use of ground bait (regulation 4(5)), prohibit foul hooking of salmon (regulation 4(6)) and the use of boats for angling on certain waters (regulation 4(7)).

The Regulations make the following changes of substance:—

(1) angling on the right bank immediately downstream of Sion Mills Weir is now prohibited;

(2) the use of a float or similar device is prohibited except in certain areas of the River Finn and the River Mourne;

(3) the use of only 2 hooks when fly fishing on the River Roe and the River Faughan is restricted to night fishing.

A person who contravenes these Regulations is guilty of an offence under the Foyle Fisheries Acts and shall be liable on summary conviction to a fine not exceeding £1,000.