1966. No. 72 **[C]**

FOYLE FISHERIES

Foyle Area (Control of Netting) Regulations 1966

REGULATIONS, DATED 16TH MARCH, 1966, MADE BY THE FOYLE FISHERIES COMMISSION WITH THE APPROVAL OF THE MINISTER FOR AGRICULTURE AND FISHERIES IN THE IRISH REPUBLIC UNDER SECTION 13 OF THE FOYLE FISHERIES ACT, 1952, AND OF THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER SECTION 13 OF THE FOYLE FISHERIES ACT (NORTHERN IRELAND) 1952.

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

Short title

1. These Regulations may be cited as the Foyle Area (Control of Netting) Regulations 1966, and shall come into operation on the first day of April, 1966.

Interpretation

2.—(1) In these Regulations—

the expressions "Foyle Area" and "authorised person" have the meanings given to them in the Foyle Fisheries Acts, 1952 and 1961, and the Foyle Fisheries Acts (Northern Ireland) 1952 and 1962;

the word "Licence" means a licence issued by the Commission authorising the use in the Foyle Area of a particular kind of net specified therein and "Licensee" shall be construed accordingly;

the expression "the map" means the map prepared for the purpose of the Restriction of Netting Regulations 1961, notwithstanding the revocation hereinafter contained, upon which the Commission affixed its seal immediately prior to the making of those regulations, and which, or a copy of which, is deposited in each office of the Commission;

the expression "the Carrickmore-Grange Foyle line" means a straight line drawn across the River Foyle from the downstream extremity of the left bank ferry quay in the townland of Carrickmore and County of Donegal to the downstream extremity of the right bank ferry quay in the townland of Grange Foyle and County of Tyrone, being the line marked WW on the map;

the expression "the tidal waters of the River Foyle" means the tidal portions of the Lough and River Foyle from the confluence of the Rivers Mourne and Finn to the defined mouth of the River Foyle;

the expression "Draft Net" means a net duly licensed as such by the Commission, and having a mesh not greater in any part than ten inches in the round, such measurement being taken all around the inside of the mesh when the net is wet, provided that no twine used in the manufacture of the net shall have a diameter less than 0·038 inches;

the expression "Drift Net" means a net duly licensed as such by the Commission, and having a mesh not greater in any part than eleven inches in the round, such measurement being taken all around the

inside of the mesh when the net is wet, provided that no twine used in the manufacture of the net shall have a diameter less than 0·033 inches.

(2) Reference to a river or portion of a river shall be construed as including references to all tributaries of that river or all tributaries entering that portion of the river as the case may require.

(3) References to Lough Foyle shall be construed as meaning those waters in the Foyle Area the seaward limit of which shall be an imaginary line drawn between Greencastle Fort in the County of Donegal and the Martello Tower at Magilligan Point in the County of Londonderry, and the upstream limit the defined mouth of the River Foyle.

Restriction of netting

3.—(1) A person shall not use for the purpose of taking or with intent to take fish any net other than a landing net used solely as an auxiliary to lawful angling with rod and line in the waters to which this article applies.

(2) This article applies to—

(*a*) that portion of the River Foyle (coloured yellow on the map) between the Carrickmore-Grange Foyle line and a straight line drawn across the said river at right angles to its course through the northernmost point of the townland of Corkan Isle in the County of Donegal and being respectively the lines marked W-W and X-X on the map;

(*b*) that portion of the River Foyle (coloured blue on the map) known as the Backwater, flowing to the east of the islands known as Corkan Isle and Islandmore and lying between straight lines drawn across the said river at right angles to its course through the northernmost point of the townland of Corkan Isle and the southernmost point of the townland of Islandmore respectively;

(*c*) all that portion of the River Foyle (coloured red on the map) upstream of a straight line drawn across the said river at right angles to its course through the southernmost point of the townland of Islandmore in the County of Donegal being the line marked Y-Y on the map;

(*d*) all the tidal waters of the Rivers Finn and Mourne (coloured green on the map);

(*e*) the freshwater portion of any river in the Foyle Area.

Control of Draft Netting

4. In the tidal waters of the River Foyle between the Carrickmore-Grange Foyle line and a straight line drawn across the River Foyle from the eastern-most point in the townland of Drumnashear in the County of Donegal to the northernmost point in the townland of Magheramason in the County of Tyrone being respectively the lines marked W-W and Z-Z on the map—

(*a*) no draft net or two or more draft nets joined together of greater length than one hundred and sixty yards shall be used for the purpose of taking or with intent to take fish;

(*b*) no draft nets shall be used at a lesser distance from one another than two hundred yards.

5. In the tidal waters of the River Foyle above or upstream of the Carrickmore-Grange Foyle line being the line marked W-W on the map—

(*a*) no draft net or two or more draft nets joined together of greater length than eighty-five yards shall be used for the purpose of taking or with intent to take fish;

(*b*) no draft nets shall be used at a lesser distance from one another than one hundred yards.

River Roe Draft Netting

6. In the River Roe upstream of its mouth no draft net or two or more draft nets joined together of greater length than eighty-five yards shall be used for the purpose of taking or with intent to take fish.

Control of Drift Netting

7. In Lough Foyle—

(*a*) no drift net or two or more drift nets joined together of greater length than one thousand yards shall be used for the purpose of taking or with intent to take salmon;

(*b*) no drift net shall be used for the purpose of taking or with intent to take salmon on any day between the period six o'clock in the morning and six o'clock in the evening;

(*c*) no drift net or two or more drift nets joined together of greater length than one thousand yards shall be carried on any boat; provided that this paragraph shall not apply to the carriage of nets on fishing boats proceeding to or from waters seaward of the lough where fishing for salmon with a drift net may be lawfully carried out at that time.

8. Seaward of Lough Foyle—

(*a*) no drift net or two or more drift nets joined together of greater length than one thousand five hundred yards shall be used for the purpose of taking or with intent to take salmon;

(*b*) no drift net or two or more drift nets joined together of greater length than one thousand five hundred yards shall be carried on any boat in the Foyle Area.

Order of fishing

9.—(1) A licensee, on completing the hauling of a draft net at any fishing station, shall not again shoot such net at that station until every other licensee who may be waiting to fish at such station shall have shot and hauled his draft net.

(2) A licensee shall not occupy for more than thirty consecutive minutes any fishing station at which any other licensee is waiting his turn to fish. A licensee shall be deemed to occupy a fishing station so long as any part of his draft net is in the water within the limits of that station.

Tagging of Nets

10.—(1) A person shall not use for the purpose of taking or with intent to take salmon or trout in any part of the Foyle Area any draft or drift net unless there is securely attached to either end of it one tag and no more than one tag hereinafter referred to as a "licence tag" numbered to correspond with the number of the licence issued for that net and in force at the time the net is being used.

(2) The licence tag referred to in paragraph (1) of this article shall be supplied annually to each licence holder by the Commission and will remain

the property of the Commission to whom it will be returned by the fifteenth day of September each year.

(3) A person shall not have in his possession or control in any place within 200 yards of any fishing waters in the Foyle Area any net the use of which is prohibited by paragraph (1) of this article.

Numbering of boats

11.—(1) A person shall not use, for the purpose of netting for salmon or trout in any part of the Foyle Area, any boat unless there is painted on each side of the bow with distinct figures of not less than six inches in length and one inch in breadth a number corresponding with the number of the licence issued for the net being used with the said boat and no boat shall have painted on its bows more than one such number.

(2) The said number shall be painted in white oil colour on a black background.

(3) The said number shall not be permitted to be effaced, covered or obscured in any manner whatsoever.

Production of Licence

12.—(1) A person using in any part of the Foyle Area a net for which a licence is required or who is found with such net in his possession going to or returning from fishing or in his possession or control within 200 yards of any fishing waters shall on demand produce the licence for such net to any authorised person.

(2) A person who on demand for a licence as provided in paragraph (1) of this article does not produce such licence because he is not the holder of a licence shall be deemed to fail to produce a licence.

(3) A person who on demand for a licence as provided in paragraph (1) above produces a licence in the name of another person shall be deemed to fail to produce a licence within the meaning of the said paragraph, unless he shall at the same time produce to the authorised person the written authority of the licensee, authorising the use or possession by the person producing the authority, of the net in relation to which such demand was made.

Weekly close time fishing

13. During the weekly close time period it shall not be lawful for any net to be carried on a boat in the Foyle Area between the period of highwater next in point of time after six o'clock on the morning of the first day of the weekly close time and the highwater before six o'clock in the morning of the last day of the same weekly close time:

Provided that this article shall not apply to the carriage of lawful nets on fishing boats proceeding to or from waters in the Foyle Area which may be lawfully fished at that time.

Restriction on River Netting

14. A person shall not use for the purpose of taking or with intent to take fish in any portion of a river in the Foyle Area upstream of the mouth of such river any net other than—

(*a*) a draft net conforming in every particular with the definition of a draft net in Article 2 of these regulations, and which under these regulations may be lawfully used in that portion of the river, or

(*b*) a landing net used solely as an auxiliary to lawful angling with rod and line.

Restriction on Lough and Sea Netting

15. A person shall not use for the purpose of taking or with intent to take salmon in the sea or in Lough Foyle any draft net or drift net which does not conform in every particular with the respective descriptions of such nets in Article 2 of these regulations.

Restriction on use of monofilament nets

16. A person shall not use for the purpose of taking or with intent to take salmon or trout in the Foyle Area any net, other than a landing net used solely as an auxiliary to lawful angling with rod and line, which contains any mesh made of a single filament of synthetic material.

Restriction on possession of prohibited nets near fishing waters

17. (*a*) A person shall not have in his possession or control in any waters or on or near the banks of any waters in the Foyle Area any net or portion of a net the use of which in such waters is prohibited by statute or by any instrument made thereunder.

(*b*) This article shall not apply to the possession of nets for lawful fishing in tidal waters adjacent to freshwaters.

Regulations Revoked

18. The Foyle Area (Prohibition of Freshwater Netting) Regulations 1952(**a**), the Foyle Area (Net Specifications) Regulations 1954(**b**), the Foyle Area (Control of Netting) Regulations 1956(**c**) the Foyle Area (Restriction of Netting) Regulations 1961(**d**), and the Foyle Area (Control of Netting) (Amendment) Regulations 1964(**e**) are hereby revoked.

(L.S.)

Given under the Official Seal of the Foyle Fisheries Commission this 16th day of March, 1966.

E. O'Kelly,
Member of the Commission nominated by the Minister.

W. Howe Elliott,
Member of the Commission nominated by the Ministry.

The Minister for Agriculture and Fisheries hereby approves of the foregoing regulations.

The Ministry of Agriculture hereby approves of the foregoing regulations.

Sealed with the Official Seal of the Minister for Agriculture and Fisheries this 23rd day of March, 1966.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 18th day of March, 1966.

D. P. O'Sullivan,
A person authorised by the Minister for Agriculture and Fisheries to authenticate the Official Seal of the Minister.

J. V. Bateman,
Assistant Secretary,
Ministry of Agriculture for Northern Ireland.

(L.S.) (L.S.)

(**a**) S.R. & O. (N.I.) 1952, No. 121.
(**b**) S.R. & O. (N.I.) 1954, No. 10.
(**c**) S.R. & O. (N.I.) 1956, No. 51.
(**d**) S.R. & O. (N.I.) 1961, No. 55.
(**e**) S.R. & O. (N.I.) 1964, No. 30.

EXPLANATORY NOTE

(This note is not part of the Regulations and does not purport to be a legal interpretation.)

These regulations largely codify the previous regulations which controlled and restricted both draft and drift netting in the Foyle Area.

1966. Nos. 73, 74

These Orders have been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. Summaries are given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.

1966. No. 75

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading PUBLIC HEALTH.

1966. Nos. 76, 77, 78, 79

These Orders have been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. Summaries are given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.

1966. No. 80 [C]

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Benefit

REGULATIONS, DATED 1ST APRIL, 1966, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1946.

The Industrial Injuries Joint Authority, in exercise of powers conferred by section 12(2)(*d*) and (3) and section 15(1) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946(a) and of all other powers enabling them in that behalf, hereby make the following regulations:

(a) 1946. c. 21.