

Fisheries Byelaws (Northern Ireland) 1997

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STATUTORY RULES OF NORTHERN IRELAND

1997 No. 425

FISHERIES

Fisheries Byelaws (Northern Ireland) 1997

Made

15th September 1997

Coming into operation

1st November 1997

The Fisheries Conservancy Board for Northern Ireland in exercise of the powers conferred on it by sections 26(1)[1], 37(1)[2] to (3), 51(2), 52(2), 70(1) and (2), 71(2)(g), 72(1), 89, 95(1) and (2), 97, 114(1)(b) and 115(1)(b)[3] of the Fisheries Act (Northern Ireland) 1966[4] and of every other power enabling it in that behalf, with the approval of the Department of Agriculture, hereby makes the following Byelaws:

Part I

Introductory

Citation and commencement

1. These Byelaws may be cited as the Fisheries Byelaws (Northern Ireland) 1997 and shall come into operation on 1st November 1997.

Interpretation

2.—(1) In these Byelaws—

"the Act" means the Fisheries Act (Northern Ireland) 1966;

"angling" means the fishing for, taking or killing of fish by rod and line or hand line;

"bag net" means a net consisting of a single wall of netting and leader, one end fixed to the shore and running seawards to a floating fixed trap or cage of netting, enclosed on all sides, bottom and top, except at the entrance from the leader; and with one or more sets of inscales and described in a Certificate issued under the Salmon Fishery (Ireland) Act 1863[5] as a bag net;

"bait net" means a net with a single wall of netting loosely hung on ground and head ropes with the outer ends or wings leading to a bag or tail into which the catch is drafted or hauled and used for the purpose of taking freshwater fish other than trout or rainbow trout for use as bait;

"bona fide fisherman" means a person engaged in either full-time or part-time commercial fishing;

"braided" in relation to a net making material means the interlocking of three or more multifilament yarns so as to form a net making material;

"coarse fish" means freshwater fish other than trout and rainbow trout;

"coarse fishing rod licence" means a licence issued by the Board for one rod and line or hand line to fish for, take and kill eels and freshwater fish other than trout and rainbow trout;

"commercial fishing" means fishing by persons who hold fishing licences issued by the Board (other than eel licences) to fish otherwise than by rod and line or hand line, or their agents previously authorised in writing by them;

"defined mouth" means the mouth of a river as defined by an order made under section 16 of the Act;

"draft net" means a net with a single wall of netting loosely hung on ground and head ropes with the outer ends or wings leading to a funnel and a bag or tail into which the catch is drafted or hauled;

"drift net" means a net consisting of a single sheet or wall of netting loosely hung on cork and sole ropes;

"drift net licence" means a licence issued by the Board authorising the use of drift nets for the taking of salmon in the sea;

"drift netting" means the use of a drift net;

"fixed tidal draft net" means a net consisting of a single sheet or wall of netting loosely hung on ground and head ropes without trap or cage and fixed at the shoreward and seaward ends and described in a Certificate issued under the Salmon Fishery (Ireland) Act 1863 as a fixed draft net;

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

"fresh water" means all waters exclusive of tidal waters;

"game fishing rod licence" means a licence issued by the Board for one rod and line or hand line to fish for, take and kill salmon, freshwater fish and eels;

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

"hand line" means a line held in the hand to which shall be attached not more than a single baited hook;

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

"licence-holder" in relation to a fishing licence means a person named on the licence as being entitled to the licence;

"maggots" means any larvae of the Order Diptera including the house fly of the Family Muscidae and the blue-bottle or blowfly of the Family Calliphoridae;
"multifilament yarn" means a yarn constructed from a group of continuous filaments each filament of which has a diameter not greater than .05 millimetres;
"rainbow trout" means trout of the species *Salmo Gairdneri*;
"single wall set net" means a net consisting of a single sheet or wall of netting loosely hung on cork and sole ropes and fixed into position by anchors or stakes;
"tidal draft net" means a net used in tidal waters consisting of a single sheet or wall of netting loosely hung on ground and head ropes into which the catch is drafted or hauled;
"tidal waters" means where the tide ebbs to and fro;
"trammel net" means a single sheet or loose wall of small mesh net with a sheet or wall of large mesh net hanging on either side to enable fish swimming into the net to force the fine net through the large mesh and form a pocket in which they are trapped;
"twisted and plied" in relation to a net making material means the forming of a net making material by wrapping a number of multifilament yarns round each other in such a way that there are not less than 100 turns per metre in the material.

(2) For the purposes of the annual close season for angling references to a river, lough or lake includes any tributary or branch of that river, lough or lake and includes any loughs or lakes draining into or flowing out of or forming part of any such river, tributary or branch.

(3) In these Byelaws—

(a) any reference 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) any 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.

Revocations

3. The Byelaws listed in Schedule 7 are hereby revoked.

Part II Licences, Duties and Fees

4. Subject to Part III of the Act there shall be payable to the Board in respect of—

(a) a fishing rod licence specified in column (1) of Part I of Schedule 1, a duty of the amount set out opposite thereto in column (2) of that Part;

(b) a fishing engine specified in column (1) of Part II of Schedule 1, a duty of the amount set out opposite thereto in column (2) of that Part.

5.—(1) A person who makes application in writing to the Board for a dealer's licence under section 114 of the Act shall forward with that application the fee prescribed in Part III of Schedule 1.

(2) Where the holder of a dealer's licence applies for renewal of that licence under section

115 of the Act his application shall be accompanied by the fee prescribed in Part III of Schedule 1.

6. Any person who has not attained the age of 18 years shall be exempt from the requirements to hold a fishing licence for angling 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 one hand line as the case may be.

7. The Board shall issue a game fishing rod licence to use a single game rod to any person holding a current game fishing rod licence issued by the Foyle Fisheries Commission on payment to the Board of a duty of the amount set out in column (2) of Part I of Schedule 1 opposite the entry "Additional amount payable by the holder of a current game fishing rod licence issued by the Foyle Fisheries Commission to use a single game rod" in column (1) of that Part.

Issue of drift net licences

8. Subject to Byelaws 9 and 10 the Board shall issue a drift net licence to any person who has held a drift net licence in any one of the 3 calendar years immediately preceding his application for such a licence.

9. Where a drift net licence holder dies or retires from drift netting the Board shall issue to the applicant for a drift net licence who is the longest serving crew member of the boat used for drift netting by that licence-holder or, failing an application from that crew member, to the crew member of that boat next in length of service who makes an application for a drift net licence and so on in descending order of length of service of crew members of that boat.

10. The Board shall maintain a register in which applications from bona fide fishermen who are not eligible to be issued with a drift net licence under Byelaw 8 or 9 shall be entered and, when on the death or retirement from drift netting of a licence-holder no application is made in accordance with Byelaw 9, persons whose names are recorded on the register shall have the opportunity, in the chronological order in which they made application, of being issued with a drift net licence.

11. A person who is eligible to be issued with a drift net licence under Byelaw 8 and who is unable to fish by means of drift netting in any calendar year shall notify the Board on or before 1st June in that year of the reason for his not making an application.

12. Where a person who is eligible under Byelaw 8 to have a drift net licence issued to him in any calendar year, fails to notify the Board in accordance with Byelaw 11 he shall cease to be eligible to have a drift net licence issued to him and the provisions of Byelaws 9 and 10 shall apply as if that person had died or retired from drift netting.

13. The number of drift net licences which may be issued in any calendar year shall not exceed one for every person to whom there may be issued such licences under or by virtue of Byelaws 8, 9 and 10.

14.—(1) A drift net licence shall be valid only when used by the licence-holder or his named agent in respect of whom the licence-holder has made written request to and has received from the Board written authorisation to have that agent act in his absence.

(2) The written authorisation referred to in paragraph (1) shall specify the period or periods during which the agent shall be authorised to act in the licence-holder's absence.

(3) The agent named in the written authorisation referred to in paragraph (1) shall be present during fishing operations and the boat and fishing gear used shall be that normally used by the licence-holder.

15. The written authorisation referred to in Byelaw 14 shall be given by the Board only where it is satisfied that the licence-holder is incapable of fishing as a result of illness or injury and the Board may require the licence-holder to provide such relevant information and documentary evidence as it may consider necessary.

Issue of tidal draft net licences

16.—(1) The maximum number of tidal draft net licences issued in any calendar year shall not exceed 6.

(2) An application for such a licence shall be received on or before 1st March in the calendar year to which the licence is to relate.

(3) Where an application for such a licence is received from a person to whom a licence was issued at any time during the period of 3 years preceding 31st December 1996, such an application shall be deemed to have been received before an application received from any other person.

(4) Where the number of applications for such licences received on or before 1st March in any calendar year exceeds 6, the licences shall, subject to paragraph (3), be issued according to the order in which applications for those licences were received.

General rules on fishing licences

17. On application made in such form as it may require and accompanied by the appropriate amount of duty the Board shall, subject to Byelaw 24, issue to the person making application or renew a fishing licence in respect of any fishing engine subject to such conditions as may be set out in the licence.

18. All fishing licences issued in pursuance to these Byelaws shall be valid only during the period stated thereon from the date and time of issue.

19. Fishing licences issued under these Byelaws in respect of any fishing engine shall not authorise the use of that fishing engine for the taking or killing of fish other than those specified on the licence.

20. All fishing licences issued under these Byelaws (other than coarse fishing rod licences, game fishing rod licences and drift net licences) shall be valid only when used by the licence-holder or his agent previously authorised in writing by him.

21. A fishing licence for angling shall be in the form and contain the conditions set out in Schedule 5.

22. A commercial fishing licence shall be in the form and contain the conditions set out in Schedule 6.

23. A licence mentioned in Byelaw 21 or 22 may be issued by a distributor approved by the Board in writing in that behalf.

24. Where a person has been convicted of any offence under the Act the Board may (subject to the provisions of these Byelaws) revoke any fishing licence held by such person or (as the case may be) refuse to issue such person a fishing licence or renew any fishing licence held by such person.

Part III

Appeal to the Department against the Refusal of the Board to issue or restore a Fishing Licence

25. Where the Board proposes to revoke a fishing licence or refuses to issue or renew a fishing licence, it shall give to the licence-holder 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 applicant before the expiration of the time specified in the notice.

26. Where the Board revokes a fishing licence or refuses to issue or renew a fishing licence, it shall serve on the person whose fishing licence has been revoked or (as the case may be) 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.

27. Where the Board revokes a fishing licence or refuses to issue or renew a fishing licence, the person to whom notice under Byelaw 26 has been given may appeal to the Department within 14 days from the date on which such notice is served on him.

28. An appeal under this Part shall be initiated by notice to be signed by the appellant or his agent and delivered or sent to the Department and the Board.

29. Where on an appeal under this Part, the Department 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.

30. When a fishing licence has been revoked under these Byelaws the licence-holder shall within 14 days of receiving a request from the Board to do so, return the licence together with any copies thereof, to the Board.

Part IV

Coarse Fishing Rod Licences

31. A coarse fishing rod licence shall be valid only on waters listed in Schedule 2.

32. The holder of a coarse fishing rod licence shall, without avoidable injury, cause any salmon, trout or rainbow trout taken by him to be returned immediately to the water from which it was taken.

Part V

Use of Single Wall Set Nets, Trammel Nets, Draft Nets and Bait Nets

33. Subject to the provisions of the Act, these Byelaws and to conditions on any fishing licences, single wall set nets, trammel nets, draft nets and bait nets may be used for the taking of freshwater fish other than trout or rainbow trout—

- (a) on Upper and Lower Lough Erne other than those areas mentioned in Byelaw 47; and
- (b) on Lough Neagh.

34. Subject to the provisions of the Act, these Byelaws and to conditions contained in any fishing licences, single wall set nets or trammel nets may be used on Lough Neagh for the taking of trout.

Part VI

General Restrictions on the use of Fishing Engines other than Rod and Line or Hand Line

35. A person shall not use for the purpose of taking or with intent to take salmon or freshwater fish, any net made from synthetic fibres (except a landing net used solely as an auxiliary to lawful angling) which contains any material not constructed of either two or more multifilament yarns twisted and plied together or three or more multifilament yarns braided together.

36. A bait net shall not exceed 50 metres in length and shall have a mesh of not more than 6.5 millimetres from knot to knot or 26 millimetres to be measured all round each mesh.

37. A bait net shall not be used for catching salmon, trout or rainbow trout, and any such fish caught or taken in a bait net shall, without avoidable injury, be returned immediately to the water from which it was taken.

38. The mesh of the wings of any draft net for use in fresh water for the taking of salmon or freshwater fish shall be of a size not less than 21 millimetres from knot to knot or 84 millimetres to be measured all round each mesh and the mesh of the tail of such draft net (which tail shall not exceed 2.5 metres in length) shall be of a size not less than 6 millimetres from knot to knot or 24 millimetres to be measured all round each mesh.

Part VII

Restrictions on the use of Fishing Engines other than Rod and Line or Hand Line on Lough Neagh and Upper and Lower Lough Erne

- 39.** A person shall not use a single wall set net or trammel net—
- (a) for the taking of pollen in Lough Neagh or Upper and Lower Lough Erne unless it has a mesh of 27 millimetres or more from knot to knot or 108 millimetres to be measured all round each mesh;
 - (b) for the taking of perch in Lough Neagh unless it has a mesh of 27 millimetres or more from knot to knot or 108 millimetres to be measured all round each mesh;
 - (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 204 millimetres to be measured all round each mesh; or
 - (d) for the taking of trout in Lough Neagh unless it has a mesh of 57 millimetres or more from knot to knot or 228 millimetres to be measured all round each mesh.
- 40.** A person shall not have in his possession or control on the waters of Lough Neagh or on or near the banks of the waters of Lough Neagh, a single wall set net or trammel net, for the taking of salmon or freshwater fish, with a mesh size of less than 27 millimetres from knot to knot or 108 millimetres to be measured all round each mesh.
- 41.** Each net or row of nets of a single wall set net or trammel net used for the taking of trout in Lough Neagh and each net or row of nets of a single wall set net or trammel net used for the taking of freshwater fish other than trout and rainbow trout, on Lough Neagh or Upper and Lower Lough Erne, shall be marked at each end with a float not less than 30 centimetres in diameter of a bright yellow colour projecting not less than 30 centimetres above the surface of the water.
- 42.** Each float referred to in Byelaw 41 shall have clearly and legibly painted or otherwise fixed thereon in figures of not less than 12 centimetres in height such number as the Board may allocate to the licence-holder (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 is in use such number shall be clearly legible.
- 43.** A person other than the licence-holder or his servant or agent previously authorised in writing in that behalf shall not use or cause or permit to be used on any float the number referred to in Byelaw 42.

Part VIII

Additional and Specific Restrictions on the use of certain Nets on Lough Neagh

- 44.** The maximum length of a single wall set net or trammel net used for the taking of trout on Lough Neagh which may be used at any time by any one licence-holder shall be 1,235 metres of net as hung whether used as one or more nets.
- 45.** A person shall not use a draft net for the taking of fish within a radius of 805 metres of the defined mouth of any river flowing into Lough Neagh.
- 46.** A person shall not use any net for the taking of salmon or freshwater fish in Toome Bay within 1,610 metres of the drainage flood gates at Toomebridge.

Part IX

Additional and Specific Restrictions on the use of Nets and Boats on Upper and Lower Lough Erne

47.—(1) A person shall not use any net for the purpose of taking any coarse fish in the following areas of Upper and Lower Lough Erne—

(a) between an imaginary line drawn from the most north-westerly point of Inish Dacharneon, Lower Lough Erne, through the most north-westerly point of Long Island to the nearest point on the shore of Ely Island, and an imaginary line drawn across the Inishmore Viaduct thence by the southern shore of the townland of Lusty Beg to the most easterly point of the townland of Lusty Beg, thence to the most southerly point of the Island of Killygown and thence to the nearest point on the shore in the townland of Corrad;

(b) within 1,610 metres of the defined mouths of the following rivers flowing into Upper and Lower Lough Erne: the Termon River, the Waterfoot River, the Garvary River, the Ballycassidy River, the Bannagh River, the Kesh River, the Dunmany or Colebrooke River, the Cladagh or Swanlinbar River, the Arney River and the Sillees River.

(2) Within the area of Lower Lough Erne which lies westward of an imaginary line drawn from Hills Island to Eagle Island, thence to the most westerly point of Boa Island, thence along the line of the western shore of Boa Island to the county road and thence along the line of the said county road to where the said road meets the shore of Lower Lough Erne in the townland of Rosscrannagh a person shall not use any net for the taking of coarse fish save a net used for the taking of pike which is placed in the water not more than 10 metres from any bed composed of emergent water plants.

48. A person shall not use a single wall set net or trammel net for the taking of coarse fish, except pollen, on Upper or Lower Lough Erne unless that net has a mesh of 63 millimetres or more from knot to knot or 252 millimetres to be measured all round each mesh.

49. The maximum length of a single wall set net or trammel net used for the taking of coarse fish on Upper and Lower Lough Erne which may be used at any time by any one licence-holder shall be 460 metres of net as hung whether used as one or more nets.

50. A boat used for commercial fishing on Upper and Lower Lough Erne shall not exceed—

- (a) 6.1 metres in length, such length to be measured from the foreside of the foremost fixed permanent structure to the aftmost part of the stern or transom; and
- (b) a beam measurement of 2.2 metres at the widest point.

Part X

Takeable size and Sale of Trout and Pollen (Commercial Fishing and Angling)

51. 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.

52. 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.

53. For the purposes of section 52 of the Act "undersized pollen" means pollen of a size less than 20.5 centimetres.

54. Where any draft net is used in the course of any fishing operations conducted by means of a boat used for commercial fishing and any trout of a size less than 35.5 centimetres is taken on board, the master, owner, charterer or other person in charge of the boat shall, without avoidable injury, cause such trout to be returned immediately to the water from which it was taken.

Part XI

Mode of use of Drift Nets and Draft nets

55. Where a draft net or a tidal draft net is operated from the shore the only permitted mode of using such 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.

56. Where a draft net or a tidal draft net is operated from a boat the only permitted mode of using the net shall be as follows, namely—one end of the rope of the net shall be fixed to a buoy, whether anchored or not, and the net shall be shot or paid out from a boat which shall start from such buoy and return thereto without avoidable pause or delay, and the net shall thereupon be drawn into and landed on such boat.

57. The only permitted mode of using a drift net shall be as follows, namely—one end of the rope of the net shall be fixed to a buoy which shall not be anchored, and the net shall be shot or paid out from a boat which shall start from such buoy, and the boat and the net attached shall float or drift with the tide.

Part XII

Restrictions on the Dimensions of Draft Nets and Drift Nets and on the use of Boats for Drift Netting

58. A draft net and a tidal draft net shall not be of a greater length than 120 metres as measured along the head rope of the net.

59. A person shall not use for the taking of salmon in the sea any drift net containing more than 45 full meshes measured vertically between the top rope and the bottom rope of the net.

60. A person shall not use for the taking of salmon in the sea any drift net of greater length than 1,375 metres or any number of drift nets joined together in such a way that their total length shall be greater than 1,375 metres.

61. A person shall not have on board any boat used for fishing for salmon in the sea—

- (a) any drift net of greater length than 1,375 metres;
- (b) any number of drift nets joined together in such a way that their total length is greater than 1,375 metres;
- (c) any number of drift nets which, if they were joined together, would have a total length greater than 1,375 metres;
- (d) any drift net or part thereof containing more than 45 full meshes measured vertically between the top rope and the bottom rope of the net.

62.—(1) Subject to the provisions of paragraph (2) a boat shall not be used for drift netting unless it is a fishing vessel registered under the Merchant Shipping (Registration of Ships) Regulations 1993[6] and having a port of choice (within the meaning of those Regulations) in Northern Ireland.

(2) Paragraph (1) shall not apply to a boat used by a fisherman resident outside Northern Ireland who has held a drift net licence in any one of the 3 years immediately preceding the date of application for a drift net licence to be issued in accordance with these Byelaws.

(3) A boat used for drift netting shall not exceed 12.2 metres in length, such length to be measured from the foreside of the foremost fixed permanent structure to the aftmost part of the stern or transom.

Part XIII Restrictions on Salmon Fishing in Tidal Waters

63. A person (other than the owner of a several fishery within the limits thereof) shall not use for the purpose of taking or with the intent to take salmon any net—

- (a) within or upstream of the defined mouth of the Dundrum River or in Dundrum Inner Bay; or
- (b) within the area of Strangford Lough north west of an imaginary line drawn from Ballyquintin Point to Killard Point.

64. A person shall not use a drift net or trawl net within 805 metres of any fixed engine used in accordance with section 74 of the Act.

65. A person shall not use a drift net within 1,610 metres of the defined mouths of the Rivers Bush and Lower Bann.

Part XIV Restrictions on Methods of Fishing for Salmon and Freshwater Fish

66. A person shall not knowingly or wilfully foul-hook any salmon or freshwater fish.

67. A person shall not use any instrument or device whatsoever, whether used with or as an auxiliary to a rod and line or hand line or otherwise, in a manner likely or calculated to foul-hook any salmon or freshwater fish.

68. Any person who foul-hooks any salmon or freshwater fish whether accidentally or otherwise shall, without avoidable injury, cause it to be returned immediately to the water from which it was taken.

69. A person shall not use ground bait or maggots whilst angling on the rivers listed in Schedule 3 and where the prohibition applies to part of a river the prohibition shall also apply to all upstream tributaries, branches, streams or any other watercourses which flow into or form part of that river.

70. A person shall not use live fish as bait on a hook for the purpose of attracting and taking fish whilst angling in fresh water.

Part XV

Restrictions on Numbers and Weights of Pike to be taken by Angling

71. Where any person, whilst angling takes—
(a) any pike in excess of 2 on any day; or
(b) any pike weighing 4 kilogrammes or over,
then he shall, without avoidable injury cause such pike to be returned immediately to the water from which it was taken.

Part XVI

Annual Close Seasons for Angling for Salmon or Trout

72. Subject to Byelaws 73 to 76 the annual close season for angling for salmon, trout and rainbow trout in all waters in Northern Ireland shall be from 1st November in each year to the last day of February in the next following year, both dates inclusive.

73. In that part of Lough Melvin which is situate in County Fermanagh the annual close season for angling for salmon, trout and rainbow trout shall be from 1st October in each year to 31st January in the next following year, both dates inclusive.

74. In Upper and Lower Lough Erne and all rivers flowing into those loughs and in the River Erne the annual close season for angling for salmon, trout and rainbow trout shall be from 1st October in each year to the last day of February in the next following year, both dates inclusive.

75. In the River Bush and all rivers flowing into it, the annual close season for angling for salmon, trout, and rainbow trout shall be from 21st October in each year to the last day of February in the next following year, both dates inclusive.

76. In all waters listed in Schedule 4 (Rainbow Trout Waters) there shall be no annual close season for angling for rainbow trout

Part XVII
Annual Close Seasons and Close Times for Commercial Fishing

77. A person shall not fish for, take or kill salmon with a fishing engine other than rod and line or hand line in the sea and tidal waters—

(a) from 16th September in any year to 17th March in the next following year, both dates inclusive; or

(b) during the period commencing at 8 o'clock am on each Saturday and ending at 8 o'clock am on the next following Monday.

78. A person shall not fish for, take or kill salmon or trout with a fishing engine other than rod and line or hand line in fresh water from 20th August to the last day of February in the next following year, both dates inclusive, save and except that in the River Bush, the annual close season shall be from 16th September in any year to 17th March in the next following year, both dates inclusive.

79. A person shall not have any net for the taking of salmon, trout or any coarse fish on board any boat in any waters during the annual close season or weekly close time for salmon, trout or that coarse fish.

80. A person shall not, on Lough Neagh—

(a) take any coarse fish except pollen with a fishing engine, other than rod and line or hand line from 1st March to 31st May, both dates inclusive; or

(b) take any coarse fish with a fishing engine, other than rod and line or hand line during the period commencing at 6 o'clock am on any Saturday and ending at 6 o'clock am on the next following Monday.

81.—(1) Subject to paragraph (2) the annual close season for the taking of coarse fish, except pollen, on Upper and Lower Lough Erne by means of single wall set nets, trammel nets or draft nets shall be from 17th March to 17th December, both dates inclusive, in each year.

(2) There shall be no annual close season for the taking of coarse fish by means of bait nets where such fish taken are for use solely as bait.

Part XVIII
Prohibition on any person having undersized Pike or Perch in their possession

82. A person shall not in any fisheries to which section 25 of the Act applies, take by any mode other than angling—

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

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

83. A person shall not have 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 82.

84. A person shall not have in his possession any fish referred to in Byelaw 82 which has been taken by a mode other than angling in any fisheries to which section 25 of the Act applies

Sealed with the Common Seal of the Fisheries Conservancy Board for Northern Ireland on

Dr. J. Parsons

Chairman

W. F. Smith

Secretary

15th September 1997.

The Department of Agriculture hereby approves the foregoing Byelaws.
Sealed with the Official Seal of the Department of Agriculture on

G. Lavery

Assistant Secretary

17th September 1997.

SCHEDULE 1

Byelaws 4, 5 and 7

Fishing Engines and Licence Duties

Part I

Licences to Fish with Rod and Line and Hand Line

Fishing Licence	Du ty
(1)	(2)
	£
Season game fishing rod licence	18· 85
Eight day game fishing rod licence	9·3 5
One day game fishing rod licence	3·3 5
Additional amount payable by the holder of a current game fishing rod licence issued by the Foyle Fisheries Commission to use a single game rod	15· 00
Season coarse fishing rod licence	7·2 0

Eight day coarse fishing rod licence	3·6 0
Three day coarse fishing rod licence for use only by the holder of a three day coarse fishing permit issued by the Department of Agriculture to fish in waters in which that Department has the fishing rights	1·5 5

Part II

Licences for Fishing Engines other than Rod and Line or Hand Line

Fishing Engine	Duty
(1)	(2)
	£
Draft net for the capture of salmon and freshwater fish on Lough Neagh	89·10
Draft net for the capture of freshwater fish other than trout and rainbow trout on Lough Erne	58·00
Draft net for use in freshwater other than Lough Neagh or Lough Erne	225·7 0
Single wall set net or trammel net for the capture of trout in Lough Neagh, per 91 metres (100 yards)	12·30
Single wall set net or trammel net for the taking of freshwater fish other than trout or rainbow trout, per 91 metres (100 yards)	12·30
Bait net for the taking of freshwater fish other than trout or rainbow trout for use as bait — per net	3·95
Fixed tidal draft net	298·5 0
Fixed tidal draft net which operates in the estuary of a river upstream of the defined mouth	1,353 ·40
Tidal draft net	248·0 0
Drift net for the taking of salmon in the sea	248·0 0
Bag net used in tidal waters	560·1 0
Salmon box or crib	673·7 0

Part III

Dealer's Licence	£37·25
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SCHEDULE 2

Byelaw 31

List of Waters on which a Coarse Fishing Rod Licence is Valid

County Antrim:

Loughs Beg, Duncan's Dam, Neagh, Portmore, Victoria Park Lake, Waterworks Reservoir and unnamed lake known as Willis's Lake off the Upper Malone Road; the Lagan Canal, the River Lagan from Shaw's Bridge to a line five metres downstream of the seaward

extremity of, and parallel to, the Lagan Bridge and the Navigation Canal Cutts on the Lower River Bann; and on the Lower River Bann as follows:—

- (a) from the eel weir at Toome downstream to Portglenone Bridge;
- (b) from the signpost 160 metres downstream of Portglenone Bridge downstream to the upper end of the Navigation Canal leading to Portna Locks;
- (c) from Agivey Bridge downstream to railway bridge at Drumaheglis;
- (d) from the boundary between Kilrea and Claragh Townlands for 350 metres downstream of Kilrea Bridge to Movanager Weir, (i.e. south end C933133 to north end C926160).

County Armagh:

Loughs Camlough, Carnagh, Clay, Craigavon City Park Lakes South Lake, Derryadd, Derrylileagh, Doogary, Edenderry, Enagh, Gall, Gibsons, Gilly, Gullion, Kilturbid, Kiltybane, Lisleitrim, Lurgan Park Lake, Marlacoo, Mullaghmore, Patrick, Ross and Shark; the Lagan Canal and the Newry Canal. The River Bann between Knock Bridge and Lough Neagh and the River Blackwater between Blackwatertown Bridge and Lough Neagh.

County Down:

Loughs Aghery, Ballyherly, Ballymartin, Ballyrone, Ballywillin, Begny, Bow, Carrigullion, Clea, Dairy, Glastry, Henney, Heron, Hunshigo, Jericho, Long, McAuleys, Mann, Money, Monlough, Montgomery's, Pollramer Lake, Seaforde, Shark and Tullynagee; the Newry Canal, the Broadwater (Lagan Canal), the River Quoile from the railway cutting near Inch Abbey to the new barrage gates and the Quoile Basin between the Old Lock Gates and the new Drainage Gates.

County Fermanagh:

Loughs

- (a) All of Upper Lough Erne and that part of Lower Lough Erne south and east of an imaginary line drawn from the mouth of the Ballinamallard River on the northern shore to the nearest point of the shore opposite Castlehume on the southern shore;
- (b) Lower Lough Erne, provided the angling is from the shore and all island shores;
- (c) All Loughs draining into Upper and Lower Lough Erne, except the following for which a game fishing rod Licence is required; Loughs Achork, Coolyermer, Coole (Castlecoole), Corranny, Corry, Drumcose, Eshcleagh, Eyes, Glencreawan, Keenaghan, Meenameen, Mill Lough (Bellanaleck), Navar, Parkhill and White Lough (Irvinestown).

Rivers:

- (a) The Woodford River, the Sillees River and the Swanlinbar River from Thompson's Bridge to Upper Lough Erne;
- (b) The Colebrooke River between Ballindarragh Bridge and where the Colebrook River flows into Upper Lough Erne;
- (c) The Arney River from the Old Arney Bridge to where the Arney River flows into Upper Lough Erne.

County Londonderry:

Lough Beg, Lough Neagh and the Navigational Canal Cutts on the Lower River Bann; and on the Lower River Bann as follows:

- (a) From the eel weir at Toome downstream to Portglenone Bridge;
- (b) From the signpost 160 metres downstream of Portglenone Bridge downstream to the upper end of the Navigation Canal leading to Portna Locks;
- (c) From Agivey Bridge downstream to railway bridge at Drumaheglis;

(d) From the boundary between Kilrea and Claragh Townlands about 350 metres downstream of Kilrea Bridge to Movanagher Weir (i.e. south end C933133 to north end C926160).

County Tyrone:

Loughs Augher, Ballynakilly, Ballysaggart, Black, Carrick, Cranslough, Creeve, Enagh, Friary, Fymore, Legane, Macronan, Mullaghmore, Mullygruen, Nacrilly, Screeby, Tullygiven and Wood; the River Blackwater between Blackwatertown Bridge and Lough Neagh

SCHEDULE 3

Byelaw 69

List of rivers on which the use of Ground Bait or Maggots is Prohibited whilst Angling

1. Agivey.
2. Ballinamallard upstream from Ballycassidy Bridge on the B.3 Road.
3. Ballinderry (County Tyrone and County Londonderry) upstream from the footbridge over the River in the townland of Lower Mullan.
4. Ballymoney.
5. Blackwater (County Armagh and County Tyrone) upstream from the bridge over the B.128 Road at Blackwatertown.
6. Callan.
7. Clady (County Londonderry).
8. Colebrooke upstream from Ballindarragh Bridge on the B.514 Road.
9. Comber.
10. Crumlin.
11. Garvary.
12. Glenavy.
13. Kesh upstream from Kesh Bridge on the A.35 Road.
14. Maine.
15. Moyola.
16. Quoile upstream from the disused Railway Bridge near Inch Abbey.
17. Ravarnette.
18. Six Mile Water upstream from the Antrim Forum in Antrim Town on the A.26 Road.
19. Torrent upstream from the B.28 road bridge.
20. Upper Bann upstream from the B.2 road crossing.

SCHEDULE 4

Byelaw 76

Rainbow Trout Waters where there is no Annual Close Season for Angling for Rainbow Trout

County Antrim:

Cornmill Fishery
Cranogue Fishery
Dalways Lake
Kilgad Fishery

North Woodburn Reservoir
Raloo Fishery
Springwater Meadow Lakes 1 and 2
Straid Lake
Tildarg Fishery
Turnagrove Fishery
Woodford Farm Fishery
County Armagh:
Craigavon City Park North Lake
Lisanoe Lake
County Down:
Altnadue Lough
Ash Cottage Fishery
Ballydugan Lake
Ballygrangee Fishery
Bridgewater Fishery
Carrickmannon Lake
Lough Cowey
Lough Creevy
Dairy Fishery Pond
Derryleckagh Lake
Drum Lough
Finnebrogue Fisheries
Gilford Fishery
Gills Lough, Tullywest
Hillsborough Lake
Hoggs Lough, Tullywest
Kernan Lake
Lower Ballysallagh Reservoir
Lower Conlig Reservoir
Magheralagan Lake
Marybrook Fisheries
County Down (contd.):
Montalto Lake
Movilla Lake
Tonaghmore Reservoir
Trench Farm Pond
Waterfall Lodge Trout Fishery
County Londonderry:
Ballylagan Lake
Ballyrashane Reservoir
Gauger's Inn Fishery Lake
Loughinsholin Put and Take Fishery
Springwell Fishery
Turnaface Fishery
Washing Lough of Manor Golf and Fishing Club
County Tyrone:
Altmore Fishery
Annaginny Stillwater Trout Fishery
Aughadarragh Fishery

Ballagh Lake
Dungannon Park Lake
Hazelden Fisheries
Martray Lough
White Lough

SCHEDULE 5

Byelaw 21

Angling Licence

Fisheries Conservancy Board for Northern Ireland
Fisheries Act (Northern Ireland) 1966 Reprint to 1969

LICENCE for a for 19

Surname

All forenames

Home Address

Dated this day of 19 at hours minutes am/pm

LICENCE DUTY PAID:

Signed Distributor

Signed Licensee

Conditions

1. This licence is valid only if signed by the distributor and licensee and if the actual date and time that the licence is issued and the surname and all forenames of the licensee are entered thereon.
2. This licence is issued subject to the provisions contained in the Fisheries Act (Northern Ireland) 1966 and in Byelaws made under that Act. Copies of the Act and Byelaws can be obtained from: The Stationery Office, 16 Arthur Street, Belfast, BT1 4GD.
3. This licence is valid only for the calendar year of issue.

SCHEDULE 6

Byelaw 22

Commercial Fishing Licence

Fisheries Act (Northern Ireland) 1966 *Reprint to 1969*

LICENCE for a for the year 19

ISSUED TO:

ADDRESS:

Dated this day of 19 at hours minutes am/pm

LICENCE DUTY PAID:

SIGNED: Distributor

Conditions

1. This licence is valid only if signed by the distributor and if the actual date and time that the licence is issued are entered thereon.

2. This licence is issued subject to the provisions contained in the Fisheries Act (Northern Ireland) 1966 and in Byelaws made under that Act. Copies of the above Act and Byelaws can be obtained from: The Stationery Office, 16 Arthur Street, Belfast, BT1 4GD.
3. This licence is valid only for the calendar year of issue.

SCHEDULE 7

Byelaw 3

Revocations

Byelaws Revoked	References
Fisheries Consolidated and Amendment Byelaws (Northern Ireland) 1989	S.R. 1989 No. 483
Fisheries (Rainbow Trout Waters) Byelaws (Northern Ireland) 1990	S.R. 1990 No. 386
Fisheries Amendment Byelaws (Northern Ireland) 1991	S.R. 1991 No. 465
Fisheries (Amendment) Byelaws (Northern Ireland) 1992	S.R. 1992 No. 45
Fisheries (Amendment No. 2) Byelaws (Northern Ireland) 1992	S.R. 1992 No. 366
Fisheries Amendment Byelaws (Northern Ireland) 1993	S.R. 1993 No. 405
Fisheries Amendment Byelaws (Northern Ireland) 1994	S.R. 1994 No. 10
Fisheries (Licence Duties) Byelaws (Northern Ireland) 1996	S.R. 1996 No. 540

EXPLANATORY NOTE

(This note is not part of the Byelaws.)

These Byelaws revoke and replace with amendments the Fisheries Consolidated and Amendment Byelaws (Northern Ireland) 1989.

The principal changes are as follows:—

1. Byelaw 31 and Schedule 2 removes from the list of waters on which a coarse fishing rod licence is valid Craigavon City Park Lakes North Lake, Co. Armagh and Martray Lough, Co. Tyrone and adds to that list Duncan's Dam, the unnamed lake known as Willis's Lake, off the Upper Malone Road, Belfast, the Waterworks Reservoir and Victoria Park Lake all in Co. Antrim, that part of the Lower River Bann between Kilrea and Claragh Townlands about 350 metres downstream of Kilrea Bridge to Movanagher Weir Co. Antrim and Co. Londonderry and Lough Ballyherley, Ballymartin, Glastry and Heron Lakes, Lough Mann, McAuley's, Montgomery's, Pollramer and Tullynagee Lakes all in Co. Down, Craigavon City Park Lakes South Lake in Co. Armagh and Ballynakilly Lake and Lough Macronan both in Co. Tyrone.
2. Byelaw 40 introduces a minimum mesh size of 27 mm from knot to knot or 108 mm to be measured all round each mesh for single wall set nets and trammel nets for the taking of salmon or freshwater fish on the waters of Lough Neagh.
3. Byelaw 48 provides that, in relation to the use of nets in Upper and Lower Lough Erne, the minimum mesh sizes for single wall set nets or trammel nets applies to the taking of coarse fish, except pollen.

4. Byelaw 50 increases the maximum length of boats permitted to be used for commercial fishing on Upper and Lower Lough Erne from 5.5 metres to 6.1 metres and their beam measurement from 1.70 metres to 2.2 metres.
5. Byelaw 63(b) extends the restriction on the use of any net for salmon fishing in tidal waters. It is now prohibited to use any net for the taking of salmon within the area of Strangford Lough north west of an imaginary line drawn from Ballyquintin Point to Killard Point.
6. Byelaw 70 prohibits the use of live fish as bait whilst angling in fresh water.
7. Byelaw 76 and Schedule 4 removes Craigavon City Park Lakes South Lake, Co. Armagh from the list of waters in which there is no close season for angling for rainbow trout and adds to the list Raloo Fishery, Springwater Meadow Lakes 1 and 2 and Turnagrove Fishery all in Co. Antrim, Craigavon City Park Lakes North Lake and Lisanoe Lake, both in Co. Armagh; Altnadue Lough, Ballygrangee Fishery, Loughs Cowey and Creevy, Drumlough; Gilford Fishery, Gills and Hoggs Loughs, both in Tullywest, Lower Ballysallagh Reservoir, Movilla Lake and Waterfall Lodge Trout Fishery, all in Co. Down; Annaginnny Stillwater Trout Fishery and Martray Lough both in Co. Tyrone; Ballylagan Lake, Loughlinsholin Put and Take Fishery, and Washing Lough of Manor Golf and Fishing Club, all in Co. Londonderry.
8. Byelaw 80 provides that in relation to commercial fishing on Lough Neagh that the annual close season applies to any coarse fish except pollen and the weekend close season applies to any coarse fish. Under section 105 of the Fisheries Act (Northern Ireland) 1966 the annual close season for pollen in any locality is from 1st November to 31st January in each year, both dates inclusive.
9. Byelaw 81 provides that the annual close season for the taking of coarse fish except pollen on Upper and Lower Lough Erne by means of single wall nets, trammel nets or draft nets is the period from 17th March to 17th December in each year, both dates inclusive.
10. Byelaw 82 extends the prohibition on taking any undersized pike or perch on any waters under the jurisdiction of the Fisheries Conservancy Board for Northern Ireland. It is now prohibited to take any such fish by any means other than rod and line or hand line.

Notes:

[1] Section 26(1) was amended by S.I. 1991/1466 (N.I. 3) Article 8(3) back

[2] Section 37 was substituted by 1968 c. 31 (N.I.) Schedule 1 and amended by S.I. 1991/1466 (N.I. 3) Article 9 back

[3] Sections 114(1) and 115(1) were amended by S.I. 1991/1466 (N.I. 3) Article 35(1) and Schedule 3, paragraph 5 back

[4] 1966 c. 17 (N.I.) back

[5] 1863 c. 114 (Ireland) back