

CONTROL OF FISHING FOR SALMON ORDER 1980

I, PATRICK POWER, Minister for Fisheries and Forestry, in exercise of the powers conferred on me by section 29 of the Fisheries (Amendment) Act, 1962 (No. 31 of 1962), as amended by section 11(5) of the Fisheries Act, 1980 (No. 1 of 1980), and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977) (as adapted by the Fisheries (Alteration of Name of Department and Title of Minister) Order, 1978 (S.I. No. 195 of 1978)), hereby order as follows:

REG 1

1. This Order may be cited as the Control of Fishing for Salmon Order, 1980.

REG 2

2. In this Order—

"datum years" means—

(a) in the case of a fishing licence for a fishing engine listed in column (2) of the First Schedule to this Order opposite the mention in column (1) of the said Schedule of the No. 91 or Galway District, the No. 92 or Connemara District or the No. 101 or Ballinakill District any three of the years from the year 1969;

(b) in any other case, any four of the years from the year 1968;

"fishery district" has the meaning assigned to it by the Principal Act and a reference in this Order to a number and name specified in columns (2) and (3) of the Second Schedule to that Act is a reference to the fishery district known by that number and name except that—

(a) a reference in this Order to the No. 8 or Limerick District does not include a reference to the area to which the River Shannon Tidal Waters (Issue of Fishing Licences) Regulations, 1935 (S. R. & O. No. 664 of 1935), applies or to the fishing weir to which the Fishing Weir Operation (No. 2) Order, 1957 (S.I. No. 1 of 1957), applies,

(b) a reference in this Order to the No. 13 or Ballyshannon District does not include a reference to the area to which the Ballyshannon District Netting Bye-Law No. 501, 1959, applies or to the fishing weir to which the Fishing Weir Operation (No. 4) Order, 1960 (S.I. No. 164 of 1960), applies;

"the Principal Act" means the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959).

REG 3

3. This Order applies to all the waters of the fishery districts mentioned in column (1) of the First Schedule to this Order.

REG 4

4. (1) (a) The maximum number of fishing licences, except in respect of rod and line, for any kind of fishing engine for the taking of salmon mentioned in column (2) of the First Schedule to this Order which the regional board, in whose fisheries region is situate the fishery district mentioned in column (1) of the said First Schedule opposite the mention of that kind of fishing engine, may issue in any year for the district shall not exceed the number specified in column (3) of the said Schedule opposite the mention of that kind of fishing engine.

(b) A regional board shall not issue any fishing licences for any fishery district situated within or coextensive with its fisheries region, except in respect of rod and line, for any kind of fishing engine for the taking of salmon which is not mentioned in column (2) of the said First Schedule opposite the mention of the fishery district in column (1) of the said Schedule.

(2) A regional board shall not issue a fishing licence, except in respect of rod and line, for any kind of fishing engine for the taking of salmon to a person unless the person either—

(a) derived a substantial part of his livelihood in the datum years from fishing for salmon under and in accordance with a fishing licence issued by that board, or by a board of conservators for a fishery district which is either coextensive with or included in the fisheries region of the regional board, for that kind of fishing engine,

(b) derived his livelihood mainly from fishing and fished for salmon under and in accordance with a fishing licence so issued for that kind of fishing engine in any two of the years from the year 1968,

(c) held a fishing licence so issued for that kind of fishing engine in the year preceding the year for which licences are being issued by virtue of his regular membership of a salmon fishing crew in the datum years and derived a substantial part of his livelihood from fishing for salmon under and in accordance with that licence,

(d) derived a substantial part of his livelihood in the datum years from fishing for salmon as a regular member of a salmon fishing crew who were fishing under and in accordance with a fishing licence so issued for that kind of fishing engine for the taking of salmon,

(e) derived his livelihood mainly from fishing in the two years preceding the year for which licences are being issued and is a person to whom, in the opinion of the regional board having regard to all the circumstances, the licence should be issued, or

(f) is a person to whom a licence may be issued under

paragraph (4) or (5) of this Article.

(3) A regional board, when issuing fishing licences, except in respect of rod and line, for any kind of fishing engine for the taking of salmon mentioned in column (2) of the First Schedule to this Order opposite the mention of the fishery district in column (1) of the said First Schedule (being a fishery district which is either coextensive with or included in the board's fisheries region)—

(a) shall firstly give priority to persons who derived a substantial part of their livelihood from fishing for salmon under and in accordance with fishing licences issued by that board, or by a board of conservators for a fishery district which is either coextensive with or included in the fisheries region of the regional board, to those persons for that kind of fishing engine for the taking of salmon in the year preceding the year for which licences are being issued and who fished for salmon under and in accordance with fishing licences so issued to those persons for that kind of fishing engine for the taking of salmon in datum years and derived a substantial part of their livelihood in those years from fishing for salmon under and in accordance with those licences,

(b) shall secondly give priority to persons who derived their livelihood mainly from fishing and who fished for salmon under and in accordance with fishing licences so issued to those persons for that kind of fishing engine for the taking of salmon in the year preceding the year for which licences are being issued and who fished for salmon under and in accordance with fishing licences so issued to those persons for that kind of fishing engine for the taking of salmon in any two of the years from the year 1968 and derived their livelihood mainly from fishing in the years in which they held such licences,

(c) shall thirdly give priority to persons who derived a substantial part of their livelihood from fishing for salmon under and in accordance with fishing licences so issued to those persons for that kind of fishing engine for the taking of salmon in the year preceding the year for which licences are being issued and who derived a substantial part of their livelihood in the datum years from fishing for salmon as regular members of salmon fishing crews who were fishing under and in accordance with fishing licences so issued for that kind of fishing engine for the taking of salmon,

(d) shall fourthly give priority to persons who fished for salmon under and in accordance with fishing licences so issued to those persons for that kind of fishing engine for the taking of salmon in the datum years and derived a substantial part of their livelihood in those years from fishing for salmon under and in accordance with those licences but did not take out a licence for that kind of fishing engine for the taking of salmon in the year preceding the year for which licences are being issued because of physical or mental incapacity or any other reason considered sufficient by the regional board,

(e) shall fifthly give priority to persons who fished for salmon under and in accordance with fishing licences so issued to those

persons for that kind of fishing engine for the taking of salmon in any two of the years from the year 1968 and derived their livelihood mainly from fishing in the years in which they held such licences but did not take out a licence for that kind of fishing engine for the taking of salmon in the year preceding the year for which licences are being issued because of physical or mental incapacity or any other reason considered sufficient by the regional board,

(f) shall then give priority to persons who either derived a substantial part of their livelihood in the datum years from fishing for salmon as regular members of salmon fishing crews who were fishing under and in accordance with fishing licences so issued for that kind of fishing engine for the taking of salmon, or derived their livelihood mainly from fishing in the two years preceding the year for which licences are being issued and are persons to whom, in the opinion of the regional board, having regard to all the circumstances, the licence should be issued.

(4) Where a person—

(a) to whom a fishing licence for any kind of fishing engine for the taking of salmon would have been issued by a regional board, or by a board of conservators for a fishery district which is either coextensive with or included in the fisheries region of that board, in accordance with this Order for any year, and

(b) who held a fishing licence so issued for that kind of fishing engine for the taking of salmon in the year preceding the year for which licences are being issued,

dies or becomes permanently incapable, owing to a physical or mental disability, of fishing under and in accordance with the licence, that regional board may issue the licence to a member of the person's immediate family selected by such board who in the said preceding year derived a substantial part of his livelihood from fishing for salmon or derived his livelihood mainly from fishing.

(5) Where a regional board—

(a) issues a licence of any kind to a person under paragraph (4) of this Article for any year, on the death or incapacity of a person (in this paragraph referred to as the former licensee), and

(b) the person applies to that board for the issue of that kind of fishing licence for the taking of salmon in a subsequent year,

then such board may issue a licence for that kind of fishing engine for the taking of salmon to the person if the person derived a substantial part of his livelihood from fishing for salmon, or derived his livelihood mainly from fishing and fished for salmon, under and in accordance with that licence in the year referred to in subparagraph (a) of this paragraph and each subsequent year, and, for the purposes of the issue of the licence, the person shall be accorded the priority under this Order in relation to the issue of licences to which the former licensee was entitled and to the priority under this Order in relation to such issue to which he is entitled.

REG 5

5. A person shall not hold at the same time more than one fishing licence for a particular kind of fishing engine for the taking of salmon or a fishing licence for a particular kind of fishing engine for the taking of salmon and a fishing licence for that kind of fishing engine for the taking of salmon in the Foyle Area (within the meaning of the Foyle Fisheries Act, 1952 (No. 5 of 1952)).

REG 6

6. (1) Where the number of applications to a regional board for fishing licences for any kind of fishing engine for the taking of salmon from persons to whom priority is required to be given firstly under Article 4(3) of this Order exceeds the appropriate maximum number mentioned in column (3) of the First Schedule to this Order, that board shall determine, having regard to the number of years in the datum years in which a fishing licence issued by that board, or by a board of conservators for a fishery district which is either coextensive with or included in the fisheries region of the regional board, for that kind of fishing engine for the taking of salmon was held by any of the applicants and the proportion and amount of his livelihood in each of those years that each such applicant derived from fishing for salmon under and in accordance with the licence, which of such applicants shall be given priority firstly in the issue of the licences, and—

(a) if the regional board determines that a number of persons equal to or less than the said appropriate maximum number shall be given priority firstly, such board shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to those persons, and

(b) if such board determines that the number of persons to whom priority should be given firstly is greater than the said appropriate maximum number, such board shall then select a number of persons equal to the said appropriate maximum number, being persons to whom, in such board's opinion, having regard to all the circumstances, licences should be issued and shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to the persons so selected.

(2) Where the number of applications to a regional board for fishing licences for any kind of fishing engine for the taking of salmon from persons to whom priority is required to be given firstly under Article 4(3) of this Order is less than the appropriate maximum number mentioned in column (3) of the First Schedule to this Order, that board shall determine, having regard to the number of years from the year 1968 in which a fishing licence issued by that board, or by a board of conservators for a fishery district which is either coextensive with or included in the fisheries region of the regional board, for that kind of fishing

engine for the taking of salmon was held by any of the applicants, and the proportion and amount of his livelihood in each of those years that each such applicant derived from fishing, which of such applicants shall be given priority secondly in the issue of the remaining licences, and—

(a) if the regional board determines that a number of persons equal to or less than the number of the remaining licences, shall be given priority secondly, such board shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to those persons, and

(b) if such board determines that the number of persons to whom priority should be given secondly is greater than the number of the remaining licences, such board shall then select a number of persons equal to the said remaining number of licences, being persons to whom, in such board's opinion having regard to all the circumstances, licences should be issued, and shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to the persons so selected.

(3) Where the number of applications to a regional board for fishing licences for any kind of fishing engine for the taking of salmon from persons to whom priority is required to be given firstly and secondly under Article 4(3) of this Order is less than the appropriate maximum number mentioned in column (3) of the First Schedule to this Order, that board shall determine having regard to the number of years in the datum years, in which the applicants held fishing licences issued by that board, or by a board of conservators for a fishery district which is either coextensive with or included in the fisheries region of the regional board, for that kind of fishing engine for the taking of salmon and having regard to the number of years in the datum years in which the applicants were members of salmon fishing crews fishing under and in accordance with a fishing licence so issued for that kind of fishing engine for the taking of salmon and the proportion and amount of his livelihood in each of those years which each such applicant derived from fishing for salmon which of such applicants shall be given priority thirdly in the issue of the remaining licences, and

(a) if the regional board determines that a number of persons equal to or less than the number of the remaining licences shall be given priority thirdly such board shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to those persons, and

(b) if such board determines that the number of persons to whom priority should be given thirdly is greater than the number of the remaining licences, such board shall then select a number of persons equal to the said remaining number of licences, being persons to whom, in such board's opinion, having regard to all the circumstances, licences should be issued, and shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to the persons so selected.

(4) Where the number of applications to a regional board for

fishing licences for any kind of fishing engine for the taking of salmon from persons to whom priority is required to be given firstly, secondly and thirdly under Article 4(3) of this Order is less than the appropriate maximum number mentioned in column (3) of the First Schedule to this Order, that board shall determine, having regard to the number of years in the datum years, in which a fishing licence issued by that board, or by a board of conservators for a fishery district which is either coextensive with or included in the fisheries region of the regional board, for that kind of fishing engine for the taking of salmon was held by any of the applicants and the proportion and amount of his livelihood in each of those years that each such applicant derived from fishing for salmon under and in accordance with the licence, which of such applicants shall be given priority fourthly in the issue of the remaining licences, and

(a) if the regional board determines that a number of persons equal to or less than the number of the remaining licences shall be given priority fourthly, such board shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to those persons, and

(b) if such board determines that the number of persons to whom priority should be given fourthly is greater than the number of the remaining licences, such board shall then select a number of persons equal to the said remaining number of licences, being persons to whom, in such board's opinion, having regard to all the circumstances, licences should be issued, and shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to the persons so selected.

(5) Where the number of applications to a regional board for fishing licences for any kind of fishing engine for the taking of salmon from persons to whom priority is required to be given firstly, secondly, thirdly and fourthly under Article 4(3) of this Order is less than the appropriate maximum number mentioned in column (3) of the First Schedule to this Order, that board shall determine, having regard to the number of years from the year 1968 in which a fishing licence issued by that board, or by a board of conservators for a fishery district which is either coextensive with or included in the fisheries region of the regional board, for that kind of fishing engine for the taking of salmon was held by any of the applicants, and the proportion and amount of his livelihood in each of those years that each such applicant derived from fishing, which of such applicants shall be given priority fifthly in the issue of the remaining licences, and

(a) if the regional board determines that a number of persons equal to or less than the number of the remaining licences, shall be given priority fifthly, such board shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to those persons, and

(b) if such board determines that the number of persons to whom priority should be given fifthly is greater than the number of

remaining licences, such board shall then select a number of persons equal to the said remaining number of licences, being persons to whom, in such board's opinion, having regard to all the circumstances, licences should be issued, and shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to the persons so selected.

(6) Where the number of applications to a regional board for fishing licences for any kind of fishing engine for the taking of salmon from persons to whom priority is required to be given firstly, secondly, thirdly, fourthly and fifthly under Article 4(3) of this Order is less than the appropriate maximum number mentioned in column (3) of the First Schedule to this Order, that board shall determine which of the applicants shall be given priority in the issue of the remaining licences, having regard either to—

(a) the number of years in the datum years, in which the applicants were members of salmon fishing crews fishing under and in accordance with a fishing licence issued by that board, or by a board of conservators for a fishery district which is either coextensive with or included in the fisheries region of the regional board, for that kind of fishing engine for the taking of salmon and the proportion and amount of his livelihood in each of those years that each such applicant derived from fishing for salmon, or
(b) the number of years in which the applicants derived their livelihood mainly from fishing,
as may be appropriate, and if,

(i) the regional board determines that a number of persons equal to or less than the number of the remaining licences, shall be given priority such board shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to those persons, and

(ii) such board determines that the number of persons to whom priority should be given is greater than the number of remaining licences,

such board shall then select a number of persons equal to the said remaining number of licences, being persons to whom, in such board's opinion, having regard to all the circumstances, licences should be issued, and shall thereupon issue fishing licences for that kind of fishing engine for the taking of salmon to the persons so selected.

REG 7

7. An application to a regional board for a fishing licence for any kind of fishing engine, other than rod and line, for the taking of salmon shall be made in the form specified in the Second Schedule to this Order not later than the 30th day of November immediately preceding the commencement of the salmon fishing season to which the application relates.

REG 8

8. (1) The number of fishing licences, except in respect of rod and line, which a regional board may issue for any kind of fishing engine for the taking of salmon in a several fishery in a fishery district specified in column (1) of the First Schedule to this Order shall not exceed—

(a) the number issued for that kind of fishing engine for the taking of salmon in the year preceding the year for which the licences are being issued, or

(b) in case the several fishery is one in respect of which no licences for that kind of fishing engine for the taking of salmon were issued for that year, the average annual number of fishing licences for that kind of fishing engine for the taking of salmon issued in respect of the several fishery for the years from the year 1963 to the year 1972, or

(c) in case the several fishery is one in respect of which no licences were issued for the year 1963 or subsequently, one.

(2) Articles 4, 5, 6 and 7 of this Order shall not apply in relation to fishing licences for any kind of fishing engine for the taking of salmon in a several fishery.

REG 9

9. The Control of Fishing for Salmon Order, 1977 (S.I. No. 372 of 1977) is hereby revoked.

FIRST SCHEDULE

(1)

Fishery District(2)

Fishing Engine(3)

Maximum number of fishing licences	No. 1 or Dublin District	Draft
Net11	Drift Net16	Pole or Loop Net1
No. 2 or Wexford District	Draft	
Net75	Pole Net1	No. 3 or Waterford District
Draft	Net10	Drift Net180
Snap	Net132	No. 4 or Lismore District
Drift Net51	No. 5 or Cork District	Draft
Net40	Drift Net133	No. 7 or Kerry District
Draft	Net52	Drift Net9
No. 8 or Limerick District	Draft	Net84
Drift Net8	No. 91 or Galway District	Draft
Net7	Drift Net38	No. 92 or Connemara District
Drift Net30	No. 101 or Ballinakill District	Draft
Net17	Drift Net44	No. 102 or Bangor
District	Draft Net (Special25	tidal waters)5
Draft	Net25	Drift Net
No. 11 or Ballina District	Draft	Net5
Drift Net106	No. 12 or Sligo District	Draft
Net1	Drift Net10	No. 13 or Ballyshannon District
Draft	Net (Special16	tidal waters)91
Draft	Net32	Drift Net
No. 141 or Letterkenny District	Draft	Net (Special
tidal waters)15	Draft	Net60
Drift Net185	Loop Net32	No. 172 or Dundalk District
Draft	Net40	No. 171 or Drogheda District
Draft	Net50	

SECOND SCHEDULE

CONTROL OF FISHING FOR SALMON ORDER, 1980

APPLICATION FOR A SALMON FISHING LICENCE (OTHER THAN ROD AND LINE)
IN THE

FISHERY DISTRICT

PART I

(A) NAME OF APPLICANT

HOME ADDRESS

(B) If you held a salmon net licence for the last salmon fishing season insert in the table below details of your income for the past twelve months.

(C) If you did not hold a salmon net licence for the last salmon fishing season but either:—

(i) held salmon net licences since 1968*

or

(ii) had regular membership of a salmon fishing crew since 1968*

or

(iii) derived your livelihood mainly from fishing,
complete the Table below giving appropriate details (crew members must attach certificates from the licence holders with whom they fished showing the period served each year).

TABLE

Year	Details of licences or crew membership since 1968* or years in which livelihood was derived mainly from fishing	My income from Salmon Fishing
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£Other Fishing

£Other Sources

£

*Applicants from the Galway, Connemara or Ballinakill Fishery Districts should give details in respect of any three of the years since 1969.

(D) I HAVE/HAVE NOT held a salmon fishing licence issued by the Foyle Fisheries Commission during the years 1968 to date. (If so, give particulars).

(E) I HEREBY APPLY for a salmon fishing licence to operate a (state type of net, etc.)

during the

season

in the

fishery district.

Signature of applicant

Principal occupation

date.....

PART II

THE CERTIFICATE FOLLOWING MUST BE COMPLETED IN EVERY APPLICATION

*I

certify

that Mr.

who is known to me, is ordinarily resident at the address stated in Part I and signed this form in my presence.

Signature

Qualification

Address

*Note: The signature of the applicant for a fishing licence must be witnessed by either a Peace Commissioner, a Clergyman or a member of the Garda Síochána of the rank of Sergeant or above in whose district the applicant resides.

THE LATEST DATE FOR THE RECEIPT OF COMPLETED APPLICATION FORMS IS 30TH NOVEMBER

Completed application forms should be sent to:

The Manager

The (a)

Regional Fisheries Board

(a) here insert the name of the fisheries region

IMPORTANT

PARTS I AND II OF THIS APPLICATION FORM MUST BE COMPLETED BEFORE THE FORM IS RETURNED TO THE REGIONAL FISHERIES BOARD INDICATED ABOVE.

GIVEN under my Official Seal, this 28th day of November, 1980.

PATRICK POWER,

Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

This Order regulates the issue of salmon fishing licences for fishing engines, other than rod and line, for use in public and private fisheries. The Order, which replaces the Control of Fishing for Salmon Order 1977, authorises the issue of commercial salmon fishing licences by Regional Fisheries Boards and prescribes the criteria under which those licences may be issued. The Order prescribes also revised maximum numbers of commercial salmon licences which may be issued by Regional Boards.