

## 1984 No. 168

## FISHERIES

## Drift Netting Control Byelaws (Northern Ireland) 1984

<i>Made</i> . . . . .	<i>24th May 1984</i>
<i>Coming into operation</i> . . . . .	<i>18th June 1984</i>

The Fisheries Conservancy Board for Northern Ireland being satisfied that it is expedient to control the use of drift nets for the taking of salmon in the sea, in exercise of their powers under sections 26(1), 37 and 70(1) and (2) of the Fisheries Act (Northern Ireland) 1966(a) and all other powers enabling it in that behalf with the approval of the Department of Agriculture hereby makes the following Byelaws:—

*Citation and commencement*

1. These Byelaws may be cited as the Drift Netting Control Byelaws (Northern Ireland) 1984, and shall come into operation on 18th June 1984.

*Application*

2. These Byelaws shall apply to the whole of Northern Ireland except the Londonderry area.

*Interpretation*

3. In these Byelaws—

- “application” means an application for a drift net licence in accordance with the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969(b), and “applicant” and “apply” shall be construed accordingly;
- “bona fide fisherman” means a person engaged in either full-time or part-time commercial fishing;
- “the Board” means the Fisheries Conservancy Board for Northern Ireland;
- “drift netting” means a method of fishing as defined in Bye-law 43 of The Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969;
- “drift net” means a net as defined in Bye-law 65 of the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969.
- “drift net licence” means a licence issued by the Board authorising the use of drift nets for the taking of salmon in the sea;
- “length” in relation to a boat means the length from the foreside of the foremost fixed permanent structure to the aftermost part of the rudder post, or in a boat not having a rudder post to the foreside of the rudder stock at the point where the rudder stock passes out of the hull and in a boat where there is no rudder post or rudder stock the measurements shall be to the aftermost part of the stern or transom.

(a) 1966 c. 17 (N.I.)

(b) S.R. & O. (N.I.) 1969 No. 91

*Conditions relating to the issue of Drift Net Licences*

4. A drift net licence shall be issued to any person who has held a drift net licence in any one of the three years immediately preceding his application for a drift net licence.

5. If a person who has held a drift net licence dies or retires from drift netting a drift net licence shall be issued to the applicant who is the longest serving crew member of the boat used for drift netting by the holder of the drift net licence or, failing an application from that crew member, to the crew member of that boat next in length of service who makes an application and so on in length of service of crew members of that boat.

6. 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 Byelaws 4 or 5 shall be recorded, and, when on the death or retirement from drift netting of a holder of a drift net licence no application is made in accordance with the terms of Byelaw 5, applicants whose applications 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.

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

8. Where a person who is eligible to have a drift net licence issued to him in any year fails to notify the Board in accordance with Byelaw 7 he shall cease to be eligible to have a drift net licence issued to him under Byelaw 4, and the provisions of Byelaws 5 and 6 shall apply.

9. A drift net licence shall be issued only in accordance with the conditions set out in Byelaws 4 to 8.

*Appeal against refusal to issue a licence*

10. Without prejudice to the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969, where the Board refuses to issue a licence the appeal procedure prescribed in Bye-laws 12 to 16 of the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969 shall have effect.

*Boats used for drift netting*

11. Subject to the provision of Byelaw 12 all boats used for drift netting shall be fishing boats registered in Northern Ireland under Part 4 of the Merchant Shipping Act 1894(a) and operated by persons ordinarily resident in Northern Ireland.

12. Byelaw 11 shall not apply to boats not registered in Northern Ireland and operated by persons resident outside Northern Ireland who have held drift net licences in any one of the 3 years immediately preceding the date of application for the issue of a drift net licence in accordance with these Byelaws, and the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969.

13. Boats used for drift netting shall not exceed 12.192 metres (40 feet) in length.

*Revocation*

14. The Drift Netting Control Bye-laws (Northern Ireland) 1972(b) are hereby revoked.

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(a) 1894 c. 60

(b) S.R. & O. (N.I.) 1972 No. 156

Sealed with the Common Seal of the Fisheries Conservancy Board for Northern Ireland on 24th May 1984.

(L.S.)

*R. T. Jordan*

Chairman

*R. G. Weaver*

Secretary

The Department of Agriculture hereby approves the foregoing Byelaws.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 24th May 1984.

(L.S.)

*R. E. Aiken*

Assistant Secretary

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#### EXPLANATORY NOTE

*(This note is not part of the Byelaws.)*

These Byelaws, which replace the Drift Netting Control Bye-Laws (Northern Ireland) 1972, specify the conditions governing the issue of a drift net licence and the conditions in relation to boats used for drift net fishing.

These Byelaws make the following changes from the provisions of the 1972 Bye-Laws:—

- (1) An applicant for a drift net licence must have held a licence for one out of the three years instead of two out of the three years immediately preceding the date of application.
- (2) In any year where a drift net licence has not been applied for and no reason has been given for not applying for the licence, the Board may re-allocate the licence in accordance with the conditions laid down in the Byelaws (see Byelaws 4-9).
- (3) The length of a boat which may be used in drift net fishing has been reduced from 45 feet (13.715 metres) to 40 feet (12.192 metres).

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#### 1984 No. 169

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1977. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.