



Foyle Fisheries Act (Northern Ireland) 1952

1952 CHAPTER 5

PART VI

PROTECTION OF FISHERIES

REGULATIONS AS TO NETS

36 Restrictions on use of nets.

If any person—

- (a) makes use of or fishes with any net formed with a false bottom (except nets for the taking of eels), or
- (b) places two or more nets one behind the other, or
- (c) uses any nets covered with canvas, hide, or other substance for the purpose of taking small fish, or
- (d) affixes or keeps up continued nets stretched across any river,

he shall be guilty of an offence against this Act.

37 Mesh of nets for the taking of salmon in the sea and tideways.

- (1) If, on any part of the coast or within any bay, estuary or tideway thereof, any person uses any net to which this section applies with a mesh of less size than [^{F1}4.5 centimetres] from knot to knot, to be measured along the side of the square, or [^{F2}18 centimetres] to be measured all round each such mesh, such measurement being taken in the clear when the net is wet, then, subject to sub-section (2) of this section, he shall be guilty of an offence against this Act.

Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952. (See end of Document for details)

- (2) The Commission may by regulation under section thirteen permit the use of nets to which this section applies having meshes of a less size than that specified in subsection (1) of this section.
- (3) In this section the expression “net to which this section applies” means any net or other engine which is not formed of a rigid material and which is used for the taking of salmon.

- | | |
|-----------|---|
| F1 | Words in s. 37(1) substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 12(1)(a) (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F2 | Words in s. 37(1) substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 12(1)(b) (with art. 32); S.R. 2008/232, art. 2 , Sch. |

38 Use of salmon nets near mouths of rivers.

- (1) If any person (other than the owner of a several fishery within the limits thereof) shoots, draws, or uses any net for taking salmon at the mouth of any river or within [^{F3}805 metres] seaward or [^{F3}805 metres] inwards or along the coast from the mouth of any river, he shall be guilty of an offence against this Act.

[^{F4}(2) If a person—

- (a) shoots, draws or stretches a net across the mouth or across any other part of a river; and
- (b) fails to leave open a channel which is—
 - (i) at least one-quarter of the width of the mouth of the river or, as the case may be, of that other part of the river, and
 - (ii) of sufficient depth and width to facilitate the passage of salmon in that river,

he shall be guilty of an offence against this Act.]

- (3) Where regulations under this Act define the mouth of any tributary river, references in this section to the mouth of any river shall be construed as including references to the mouth of that tributary river.

- | | |
|-----------|--|
| F3 | Words in s. 38(1) substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 12(2) (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F4 | S. 38(2) substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 13 (with art. 32); S.R. 2008/232, art. 2 , Sch. |

39 Restriction on possession of unlawful net, etc.

- (1) No person shall have in his possession or control in any river or on or near the banks of any river any net or other instrument or lure or bait the use of which for the purpose of taking salmon, trout or other fish is unlawful.
- (2) Any person who has in his possession or control any net or other instrument or lure or bait in contravention of this section shall be guilty of an offence against this Act.
- (3) Where—
- (a) a person is found in possession of or has in his control any net in the vicinity of the boundary between the tidal and freshwater portions of any river, and

Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952. (See end of Document for details)

(b) by reason thereof such person is charged with an offence under this section, it shall be a good defence to such charge for such person to prove that he is the holder of a [^{F5} fishing licence] to use such net and that such net is intended for use in such tidal portion.

F5 Words in s. 39(3) substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 34(1), **Sch. 2 para. 1(6)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952.