

1975 No. 131

FISHERIES

Foyle Area (Suspension of Fishing) Regulations 1975

Made 14th April 1975

Coming into operation 1st May 1975

The Foyle Fisheries Commission in exercise of its powers under section 13 of the Foyle Fisheries Act 1952(a) and section 13 of the Foyle Fisheries Act (Northern Ireland) 1952(b) with the approval of the Minister for Agriculture and Fisheries in the Republic of Ireland and of the Department of Agriculture for Northern Ireland, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Foyle Area (Suspension of Fishing) Regulations 1975 and shall come into operation on 1st May 1975.

Interpretation

2. In these regulations—

“the Commission” means the Foyle Fisheries Commission;

“netting” means the use of nets for the purpose of taking salmon;

“period of suspension” means any period during which netting is suspended under these regulations.

Suspension of netting

3. Netting shall be suspended in accordance with the provisions of regulation 7 on the River Foyle, Lough Foyle and waters seawards of Lough Foyle for a period of 48 hours outside the weekly close time if—

- (1) during the period 21st June to 30th June, both dates inclusive, the water level on the River Mourne rises above a reading of 20 inches on the Commission's river gauge situated immediately upstream of Sion Mills Weir and the Commission has not counted at least 150 salmon other than sea trout passing over Sion Mills Weir during the period 1st June to 20th June, both dates inclusive;
- (2) during the period 1st July to 10th July, both dates inclusive, the water level on the River Mourne rises above a reading of 20 inches on the Commission's river gauge situated immediately upstream of Sion Mills Weir and the Commission has not counted at least 300 salmon other than sea trout passing over Sion Mills Weir during the period 1st June to 30th June, both dates inclusive;
- (3) during the period 11th July to 31st July, both dates inclusive, the water level on the River Mourne rises above a reading of 20 inches on the Commission's river gauge situated immediately upstream of Sion Mills Weir and the Commission has not counted at least 600 salmon other than sea trout passing over Sion Mills Weir during the period 1st June to 10th July, both dates inclusive.

4. Netting shall be suspended in accordance with the provisions of regulation 7 of the River Foyle, Lough Foyle, and waters seawards of Lough Foyle from 0600 hours on 6th August in any calendar year until the beginning of the next annual close season if by 31st July in that year the Commission has not counted at least 1,000 salmon other than sea trout passing over Sion Mills Weir.

5. If the Commission has not counted by means of the River Faughan electronic fish counter situated in the townland of Campsie, Londonderry, at least 400 salmon other than sea trout during the period 1st June to 31st July, both dates inclusive, netting shall be suspended in accordance with the provisions of regulation 7 on the River Roe for a period of 48 hours outside the weekly close time on the first occasion after 31st July in that year that the water level on the River Roe rises above a reading of 30 inches on the river gauge situated alongside the Roe Bridge in the townland of Limavady.

6. Netting shall be suspended in accordance with the provisions of regulation 7 in the River Roe after 20th August in any calendar year until the beginning of the next annual close season if during the period 1st June to 15th August, both dates inclusive, in that year the Commission has not counted at least 750 salmon, other than sea trout, by means of the River Faughan electronic fish counter situated in the townland of Campsie, Londonderry.

7.—(1) If the Commission is satisfied that the conditions specified in regulations 3, 4, 5 or 6 for a period of suspension have been met it shall publish a certificate under the hand of the Secretary to the Commission to that effect, and this certificate shall state the number of salmon which have been counted, the reading on the river gauge, the time that the reading was taken and the time that the period of suspension shall commence.

(2) The Commission shall introduce any period of suspension as soon as is reasonably possible after the conditions for introducing the period of suspension have been met, provided that the period of suspension shall not commence less than 24 hours after the publication of the certificate.

Prohibition of angling in River Foyle

8. No person shall fish for salmon with rod and line in any part of the tidal waters of the River Foyle (namely from the confluence of the Rivers Mourne and Finn to the defined mouth of the River Foyle) during any period when netting on those waters is suspended in accordance with these regulations.

Prohibition of netting during periods of suspension

9. No person shall use for the purpose of taking salmon any net on any waters in the Foyle Area during any period when netting is suspended on those waters.

Revocation

10. The Foyle Area (Suspension of Fishing) Regulations 1972(c) are hereby revoked.

Given under the Common Seal of the Foyle Fisheries Commission on 14th of April 1975.

(L.S.) *J. Power*

Member of the Commission nominated by the Minister.

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

Sealed with the Official Seal of the Minister for Agriculture and Fisheries on 24th of April 1975.

(L.S.) *D. P. O'Sullivan*

A person authorised by the Minister for Agriculture and Fisheries to authenticate the Official Seal of the Minister.

K. Vickers

Member of the Commission nominated by the Department.

The Department of Agriculture for Northern Ireland hereby approves of the foregoing regulations.

Sealed with the Official Seal of the Department of Agriculture on 29th of April 1975.

(L.S.) *E. G. Sherrard*

Assistant Secretary,
Department of Agriculture for Northern Ireland.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations replace the Foyle Area (Suspension of Fishing) Regulations 1972. They provide for periods during which netting is suspended on the waters of the Foyle Area for the purpose of providing a greater escapement of fish into freshwater during times of floods. The regulations also stipulate the conditions under which netting in the Foyle Area shall be terminated prior to the normal closing of the netting season on 31st August each year. The regulations provide separate but similar provisions for the River Roe and the remainder of the Foyle Area. They also prohibit angling in the tidal waters of the River Foyle during any period when netting is suspended on those waters.