

2002 No. 371

FISHERIES

**Fisheries (Amendment No. 3) Byelaws
(Northern Ireland) 2002**

Made - - - - - 3rd December 2002

Coming into operation 1st January 2003

The Fisheries Conservancy Board for Northern Ireland, in exercise of the powers conferred on it by sections 26(1) and 37(1) of the Fisheries Act (Northern Ireland) 1966(a) and of every other power enabling it in that behalf, with the approval of the Department of Culture, Arts and Leisure(b), hereby makes the following Byelaws:

Citation and commencement

1. These Byelaws may be cited as the Fisheries (Amendment No. 3) Byelaws (Northern Ireland) 2002 and shall come into operation on 1st January 2003.

Amendment of the Fisheries Byelaws (Northern Ireland) 1997

2. The Fisheries Byelaws (Northern Ireland) 1997(c) shall be amended as provided in Byelaws 3 to 8.

Interpretation

3. In Byelaw 2(1) –

(a) after the definition of “commercial fishing” there shall be inserted the following definition –

““concessionary season fishing rod licence” means a licence issued by the Board to a disabled angler, or to a woman who has attained the age of 60 years, or to a man who has attained the age of 65 years, for one rod and line or hand line to fish for, take and kill salmon, freshwater fish and eels;”;

(b) after the definition of “hook” there shall be inserted the following definition –

““juvenile season fishing rod licence” means a licence issued by the Board to a person who has attained the age of 12 years but who has not attained the age of 19 years for one rod and line or hand line to fish for, take and kill salmon, freshwater fish and eels;”.

(a) 1966 c. 17 (N.I.); section 26(1) was amended by Article 8(3) of the Fisheries (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/1466 (N.I. 13)) and by section 5 of the Fisheries (Amendment) Act (Northern Ireland) 2001 (2001 c. 4 (N.I.)); section 37 was substituted by section 1 of, and Schedule 1 to, the Fisheries (Amendment) Act (Northern Ireland) 1968 (1968 c. 31 (N.I.)) and was amended by Article 9 of the Fisheries (Amendment) (Northern Ireland) Order 1991 and by section 6 of the Fisheries (Amendment) Act (Northern Ireland) 2001

(b) Functions transferred by virtue of S.R. 1999 No. 481 Article 3 and Schedule 1

(c) S.R. 1997 No. 425 as amended by S.R. 1999 No. 12, S.R. 1999 No. 488, S.R. 2000 No. 364, S.R. 2001 No. 433, S.R. 2002 No. 11 and S.R. 2002 No. 274

Licences, duties and fees

4. In Byelaw 6 for the words “18 years” there shall be substituted the words “12 years”.

5. For Byelaw 7 there shall be substituted the following Byelaw –

“7. The Board shall issue a game fishing rod licence to any person holding a current game fishing rod and line licence issued by the Foyle, Carlingford and Irish Lights 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 Foyle, Carlingford and Irish Lights Commission game fishing rod and line licence to use a single game rod” in column (1) of that Part.”.

Restrictions on the killing of salmon

6. For Byelaw 86 there shall be substituted the following Byelaw –

“86. In that part of Lough Melvin which is situate in County Fermanagh, where any person whilst angling during the period from 1st February to 31st May in any year, both dates inclusive, takes a salmon in excess of one on any day, then he shall, without avoidable injury, cause such salmon to be returned immediately to the water from which it was taken.”.

Fishing engines and licence duties

7. For Part I of Schedule 1 (licences to fish with rod and line and hand line) there shall be substituted the following Part –

“PART I

LICENCES TO FISH WITH ROD AND LINE AND HAND LINE

<i>Fishing Licence</i>	<i>Duty</i>
(1)	£ (2)
Season game fishing rod licence	21.50
Fourteen day game fishing rod licence	10.50
Three day game fishing rod licence	5.00
Concessionary season fishing rod licence	5.00
Juvenile season fishing rod licence	2.00
Additional amount payable by the holder of a current Foyle, Carlingford and Irish Lights Commission game fishing rod and line licence to use a single game rod	1.00
Season coarse fishing rod licence	8.00
Fourteen day coarse fishing rod licence	4.00
Three day coarse fishing rod licence for use by the holder of a three day coarse fishing permit issued by the Department of Culture, Arts and Leisure to fish in waters in which the Department has the fishing rights	2.00”

List of waters where there is no close season for rainbow trout

8. In Schedule 4 in the list of rainbow trout waters where there is no annual close season for angling for rainbow trout –

(a) under the heading County Down there shall be inserted after the reference to “Portavoe Reservoir” a reference to “Shane’s Lough”, and

(b) under the heading County Tyrone there shall be inserted after the reference to “Dungannon Park Lake” a reference to “Eskragh Lough”.

Sealed with the Common Seal of the Fisheries Conservancy Board for Northern Ireland on 2nd December 2002.

(L.S.)

Dr. D. Roberts
Chairman

(L.S.)

K. A. Simpson (Mrs)
Secretary

The Department of Culture, Arts and Leisure hereby approves the foregoing Byelaws.

Sealed with the Official Seal of the Department of Culture, Arts and Leisure on 3rd December 2002.

(L.S.)

Nigel Carson
A senior officer of the Department of Culture, Arts and Leisure

EXPLANATORY NOTE

(This note is not part of the Byelaws.)

These Byelaws amend the Fisheries Byelaws (Northern Ireland) 1997 (“the principal Byelaws”).

The principal changes are as follows:

1. Byelaws 3 and 7 introduce a concessionary season fishing rod licence for disabled anglers, women who have attained the age of 60 years and men who have attained the age of 65 years, and a juvenile season fishing rod licence for persons who have attained the age of 12 years but not 19 years. The concessionary season fishing rod licence replaces the disabled angler’s season game and season coarse fishing rod licences introduced by the Fisheries (Amendment) Byelaws (Northern Ireland) 2001 (S.R. 2001 No. 433). The duty for the concessionary season fishing rod licence is £5.00 compared to £9.50 for the disabled angler’s game season rod licence and £3.50 for the disabled angler’s game coarse rod licence.
2. Byelaw 4 reduces from 18 years to 12 years, the age under which persons are exempted from the requirement to hold a fishing rod licence.
3. Byelaw 6 replaces the requirement for any person who takes a salmon in Lough Melvin during the period from 1st February to 31st May to return it immediately to the water without avoidable injury with a requirement to return to the water any salmon taken in excess of one on any day during that period.
4. Byelaw 7 also –
 - (a) replaces the eight day game fishing rod licence with a fourteen day fishing rod licence. The licence duty is unchanged;
 - (b) replaces the one day game fishing rod licence with a three day game fishing rod licence. The licence duty for the three day rod licence is £5.00 compared to £4.00 for the one day rod licence;
 - (c) replaces the eight day coarse fishing rod licence with a fourteen day coarse fishing rod licence. The licence duty is unchanged;
 - (d) reduces the additional amount payable by the holder of a Foyle, Carlingford and Irish Lights Commission game season fishing rod and line licence from £17.50 to £1.00.
5. Byelaw 8 designates two waters as rainbow trout waters for the purposes of Byelaw 76 of the principal Byelaws, which provides that there shall be no close season for angling for rainbow trout in waters so designated.

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