

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2003 No. 525**

**Fisheries Byelaws (Northern Ireland) 2003**

**PART II**

**LICENCES, DUTIES AND FEES**

**General**

4.—(1) Subject to Byelaw 24, the Board may issue a fishing licence authorising any person to fish for, take and kill –

- (a) salmon, freshwater fish and eels;
- (b) eels and coarse fish;
- (c) salmon; or
- (d) eels.

(2) A licence issued under paragraph (1) may authorise the holder to fish for, take and kill the fish to which the licence relates by means of –

- (a) any fishing engine;
- (b) a rod and line or hand line;
- (c) a bait net;
- (d) a draft net;
- (e) a drift net;
- (f) a fixed tidal draft net;
- (g) a single wall set net;
- (h) a tidal draft net; or
- (i) a trammel net.

(3) A licence issued under paragraph (1) may authorise the holder to fish for, take and kill the fish to which the licence relates in –

- (a) fresh water;
- (b) the sea and tidal waters; or
- (c) both.

(4) A licence issued under paragraph (1) shall have effect for –

- (a) the calendar year of issue;
- (b) fourteen days; or
- (c) three days.

(5) A licence issued under paragraph (1) shall be subject to the following conditions –

- (a) the licence is valid only if signed by the distributor and, in the case of an angling licence, the licence-holder;
  - (b) the licence is valid only if the actual date and time that the licence is issued are entered thereon;
  - (c) the licence is valid only if the surname and all forenames of the licence-holder are entered thereon;
  - (d) the licence is issued subject to the provisions contained in the Act and in Byelaws made under the Act.
- (6) Paragraph (5)(a), in so far as it requires the signature of a distributor, shall not apply in the case of a concessionary season fishing rod licence issued to a disabled angler.
- (7) A licence issued under paragraph (1) for angling shall be in the form set out in Schedule 1, and a licence issued under paragraph (1) for commercial fishing shall be in the form set out in Schedule 2.
- (8) A licence issued under paragraph (1) may be altered at any time by the Board by notice served in writing on the holder.
- (9) Subject to Byelaw 24, a licence issued under paragraph (1) may be renewed on application made to the Board.
- 5.** An application for a fishing licence, or for the renewal of a fishing licence, shall be made in writing to the Board, shall be accompanied by the amount specified as the duty for that licence under Byelaw 6, and shall contain such particulars as may be required by the Board.
- 6.** Subject to Part III of the Act, there shall be payable to the Board in respect of any fishing licence specified in column 1 of Part I or II of Schedule 3, the duty specified opposite thereto in column 2.
- 7.—(1)** A person who makes an application in writing to the Board for a dealer’s licence under section 114 of the Act shall forward with that application the fee prescribed in Part III of Schedule 3.
- (2) Where the holder of a dealer’s licence applies for renewal of that licence under section 115 of the Act his application shall be accompanied by the fee prescribed in Part III of Schedule 3.
- 8.—(1)** Subject to paragraph (2), any person who has not attained the age of 12 years shall be exempt from the requirement to hold a fishing licence for angling.
- (2) Where any such person referred to in paragraph (1) uses more than one rod and line or hand line at the same time to fish for, take or kill salmon, trout and rainbow trout, or more than two rods and lines or hand lines at the same time to fish for, take or kill eels or coarse fish, he shall be exempt from the requirement to hold a fishing licence for angling only in respect of one rod and line or hand line or two rods and lines or hand lines, as the case may be.
- 9.** The Board may issue one concessionary season fishing rod licence in any calendar year to a disabled angler or to a person who has attained the age of 60 years.
- 10.** The Board shall issue a game fishing rod licence to use a single game rod 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 3 opposite the entry “Amount payable by the holder of a current Foyle, Carlingford and Irish Lights game fishing rod and line licence for a game fishing rod licence” in column (1) of that Part.
- 11.** Fishing licences issued under Byelaw 4 (2) in respect of any fishing engine shall not authorise the use of that fishing engine for the taking or killing of fish other than those specified on the licence.

12. All fishing licences issued under these Byelaws (other than fishing licences for angling and drift net licences) shall be valid only when used by the licence-holder or his agent previously authorised in writing by him.

13. A licence issued under Byelaw 4, other than a concessionary season fishing rod licence issued to a disabled angler, may be issued by a distributor approved by the Board in writing in that behalf.

#### **Issue of drift net licences**

14. Subject to Byelaws 15, 16 and 17, the Board shall issue a drift net licence to any person who has held a drift net licence in any one of the 3 calendar years immediately preceding his application for such a licence.

15. Subject to Byelaw 17, where a drift net licence-holder dies or retires from drift netting the Board shall issue a drift net licence to the longest serving crew member of the boat used by that licence-holder for drift netting who has made an application for such a licence.

16. 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 Byelaw 14 or 15 shall be entered and, when on the death or retirement from drift netting of a licence-holder no application is made in accordance with Byelaw 15, persons whose names are recorded on the register shall, subject to Byelaw 17, have the opportunity, in the chronological order in which they made application, of being issued with a drift net licence.

17. The Board shall not issue a drift net licence to any person under Byelaws 14 to 16 in a case where a person who held a drift net licence has undertaken, in consideration of compensation paid or payable by the Department, to make no further applications for a fishing licence to use a drift net to fish for salmon.

18. A person who is eligible to be issued with a drift net licence under Byelaw 14 and who is unable to fish by means of drift netting in any calendar year shall notify the Board on or before 1st June in that year of the reason for his not making an application.

19. Where a person who is eligible under Byelaw 14 to have a drift net licence issued to him in any calendar year, fails to notify the Board in accordance with Byelaw 18 he shall cease to be eligible to have a drift net licence issued to him and the provisions of Byelaws 15 and 16 shall apply as if that person had died or retired from drift netting.

20. The number of drift net licences which may be issued in any calendar year shall not exceed one for every person to whom there may be issued such licences under or by virtue of Byelaws 14, 15 and 16.

21.—(1) A drift net licence shall be valid only when used by the licence-holder or his named agent in respect of whom the licence-holder has made written request to and has received from the Board written authorisation to have that agent act in his absence.

(2) The written authorisation referred to in paragraph (1) shall specify the period or periods during which the agent shall be authorised to act in the licence-holder's absence.

(3) The agent named in the written authorisation referred to in paragraph (1) shall be present during fishing operations and the boat and fishing gear used shall be that normally used by the licence-holder.

22. The written authorisation referred to in Byelaw 21 shall be given by the Board only where it is satisfied that the licence-holder is incapable of fishing as a result of illness or injury and the Board may require the licence-holder to provide such relevant information and documentary evidence as it may consider necessary.

### **Issue of tidal draft net licences**

23.—(1) The maximum number of tidal draft net licences issued in any calendar year shall not exceed 2.

(2) An application for such a licence shall be received on or before 1st March in the calendar year to which the licence is to relate.

(3) Where an application for a tidal draft net licence is received from a person to whom such a licence was issued at any time during the period of 3 years ending on the last 31st December before the date of the receipt of the application, such an application shall, subject to paragraph (5), be deemed to have been received before an application received from any other person.

(4) Where the number of applications for tidal draft net licences received on or before 1st March in any calendar year exceeds 2, the licences shall, subject to paragraphs (3) and (5), be issued according to the order in which applications for those licences were received.

(5) Paragraphs (3) and (4) shall not apply to, or in relation to, an application from a person who has undertaken, in consideration of compensation paid or payable by the Department, to make no further applications for a fishing licence to use a tidal draft net to fish for salmon.

### **Revocation of, or refusal to issue or renew, a fishing licence**

24.—(1) Where a person has been convicted of any offence under the Act the Board may (subject to the provisions of these Byelaws) revoke any fishing licence held by such person or (as the case may be) refuse to issue such person a fishing licence or renew any fishing licence held by such person.

(2) Subject to the provisions of these Byelaws, where, in consideration of compensation paid or payable by the Department, a person who holds a fishing licence consents to the revocation of the fishing licence and undertakes to make no further applications for a fishing licence of a particular class, the Board shall revoke that licence or (as the case may require) refuse to renew it and shall refuse to issue such person a fishing licence of the class which he has undertaken not to apply for.