

2014 No. 15

FISHERIES

Salmon Netting Regulations (Northern Ireland) 2014

Made - - - - *21st January 2014*

Coming into operation - *1st March 2014*

The Department of Culture, Arts and Leisure(a), in exercise of powers conferred by section 26(1) of the Fisheries Act (Northern Ireland) 1966(b) and now vested in it, and being a department designated(c) for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to the environment, in exercise of the powers conferred upon it by that section, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Salmon Netting Regulations (Northern Ireland) 2014 and come into operation on 1st March 2014.

Interpretation

2. In these Regulations—

“bag net” means a net consisting of a single wall of netting and leader, one end fixed to the shore and running seawards to a floating fixed trap or cage of netting, enclosed on all sides, bottom and top, except at the entrance from the leader; and with one or more sets of inscales and described in a Certificate issued under the Salmon Fishery (Ireland) Act 1863(e) as a bag net;

“draft net” means a net consisting of a single sheet or wall of netting loosely hung on ground and head ropes with the outer ends or wings leading to a funnel and a bag or tail into which the catch is drafted or hauled;

“drift net” means a net consisting of a single sheet or wall of netting loosely hung on cork and sole ropes;

“drift net licence” means a fishing licence authorising the use of drift nets for the taking of salmon in the sea;

“tidal draft net” means a net used in tidal waters consisting of a single sheet or wall of netting loosely hung on ground and head ropes into which the catch is drafted or hauled;

(a) Established by the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)), Article 3(1)(b).
(b) 1966 c. 17 (N.I.).
(c) S.I. 2008 / 301
(d) 1972 c. 68
(e) 1863 c. 114 (Ireland)

Prohibition of bag nets and draft nets for salmon fishing

3. Subject to regulation 9, the use of bag nets, draft nets and tidal draft nets for fishing for salmon is prohibited.

4. A person fishing under the authority of a draft net licence for the taking of freshwater fish on Lough Neagh shall cause any salmon so taken by him to be returned immediately, without avoidable injury, to the water from which it was taken.

Compensation

5. The Department may pay such compensation as it may determine by notice, in writing, to a person who has held a bag net, drift net, draft net or tidal draft net licence in any one of the 3 calendar years immediately preceding the coming into operation of these Regulations and who has suffered loss of income in respect of salmon fishing.

6. Before making any determination under regulation 5, the Department may require the licence holder to provide such evidence of his loss of income as it thinks fit.

Appeals

7. Where a licence holder is aggrieved by a determination made under regulation 5, he may appeal to the county court within a period of 28 days beginning with the date on which the date on which the notice of determination was sent to him.

8. On hearing an appeal under regulation 7, the county court shall determine the amount of compensation as though it were a determination under regulation 5.

Resumption of salmon netting

9.—(1) The Department may issue a bag net or tidal draft net licence for salmon fishing only if it decides that such fishing is not likely to have an adverse impact on:

- (a) a Special Area of Conservation as defined under the Habitats Directive(a);
- (b) any rivers which are not meeting such salmon management targets as may be determined and published by the Department.

(2) Where the Department so decides, then, subject to paragraph (3), first preference shall be given to a person who has held a bag net or tidal draft net licence for the purposes of salmon netting in any one of the 3 calendar years immediately preceding the coming into operation of these Regulations.

(3) A person mentioned in paragraph (2) may by written notice given to the Department, nominate another person in his place.

Sealed with the Official Seal of the Department of Culture, Arts and Leisure on 21st January 2014.

(L.S.)

C. Smith
A senior officer of the Department of Culture, Arts and Leisure

(a) Council Directive 92/43/EEC

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prohibit the use of bag nets, draft nets and tidal draft nets to catch and kill salmon in tidal waters and Lough Neagh. The Department of Culture, Arts and Leisure considers this to be a necessary measure to fulfil its obligations under Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.

Regulation 5 provides for consideration of compensation for anyone who can demonstrate loss of earnings as a consequence of the introduction of these Regulations.

Regulations 7 and 8 provide for appeals to the county court where a person is aggrieved by a determination made under regulation 5.

Regulation 9 describes the circumstances under which netting by these means may resume and the order of preference for future applications in this event.

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