

# Foyle Fisheries Act (Northern Ireland) 1952

## 1952 CHAPTER 5

### PART III

#### THE FOYLE FISHERIES COMMISSION

##### CONSTITUTION AND FUNCTIONS

### 13 Regulations.

- (1) The Commission may, with the approval of<sup>[F1]</sup> NSMC], make such regulations as appear to the Commission to be expedient for the management, conservation, protection and improvement of the fisheries of the Foyle Area<sup>[F1]</sup> and the Carlingford Area] and, without prejudice to the generality of the foregoing, may make regulations in relation to all or any of the following matters:—
- (a) the regulation of fishing and preservation of good order amongst persons fishing;
  - (b) the times and seasons for the taking of fish or any kind of fish or for any mode of taking fish or any kind of fish and the conditions subject to which fish or any kind of fish may be taken;
  - (c) prohibiting any mode of taking or destroying fish or any kind of fish;
  - (d) the times and places or the mode at or in which any fishing engine may be used;
  - (e) the description and form of nets to be used and the size of the meshes of those nets;
  - (f) <sup>F2</sup> .....
  - (g) the making of applications for, and the issue, alteration, renewal, and revocation of [<sup>F3</sup> fishing licences], whether generally or in specified cases;
- <sup>[F4]</sup>(gg) the regulation or prohibition of the sale of any species of fish caught by rod and line;]

*Changes to legislation: Foyle Fisheries Act (Northern Ireland) 1952, Section 13 is up to date with all changes known to be in force on or before 10 March 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (h) the protection of waters from poisoning and pollution by any deleterious or poisonous matter, or from any predatory fish or animals;
- (i) the prohibition of any practice whatsoever tending in the opinion of the Commission to impede the lawful capture of fish or to be in any manner detrimental to the fisheries;
- (j) defining, by reference to a map or otherwise, the mouth of any river in the Foyle Area<sup>F1</sup> or the Carlingford Area], the mouth of any tributary river at its entrance into any other river therein, the boundary between the tidal and freshwater portions of any river therein, the point or points to or from which distances are to be measured under this Act, or the space within which it is prohibited by this Act or by regulations under this section to use or practise certain methods of fishing;
- (k) anything referred to in this Act as prescribed;
- (l) anything relating in any manner to the management and protection of the fisheries.

(2) Regulations made by the Commission under this section may provide for charging in respect of any [<sup>F5</sup>fishing licence][<sup>F6</sup>, tag] or other document issued or varied by the Commission such fees, payable at such time and in such manner, as may be prescribed.

[<sup>F7</sup>(2A) Regulations made by virtue of subsection (2) may—

- (a) provide for charging concessionary fees in such cases as may be prescribed;
- (b) provide for exemption from payment of the prescribed fees in such cases as may be prescribed.

(2B) Regulations made by the Commission under this section may—

- (a) require tags issued by the Commission to be attached to the carcasses of fish;
- (b) require applications for fishing licences to be accompanied by a photograph of the applicant and particulars of the applicant's date of birth;
- (c) prescribe the form of, and conditions attaching to, fishing licences issued by the Commission;
- (d) provide that a fishing licence to fish with rod and line or hand line shall not be transferable; and
- (e) regulate the transfer of other fishing licences.

(3) As soon as practicable after it makes any regulations under this section the Commission shall publish in at least two newspapers circulating in the Foyle Area and the Carlingford Area a notice—

- (a) stating that the regulations have been made and giving a general description of their content; and
- (b) specifying a place at which, and the hours between which, a copy of the regulations may be inspected.

(4) Regulations made by the Commission under this section may contain such supplementary, incidental and transitional provisions as the Commission thinks necessary or appropriate.

(5) The Department shall cause regulations made under this section to be laid before the Assembly as soon as may be after they are made, and regulations under this section shall be subject to negative resolution.]

(5A) <sup>F8</sup> .....

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(5B) <sup>F8</sup> .....

(6) If any person contravenes (whether by act or omission) any regulations under this section, he shall be guilty of an offence against this Act.

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| <b>F1</b> | SI 1999/859  |
| <b>F2</b> | S. 13(1)(f) repealed (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 34(2), <b>Sch. 3</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.                        |
| <b>F3</b> | Words in s. 13(1)(g) 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), <b>Sch. 2 para. 1(2)</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch. |
| <b>F4</b> | S. 13(1)(gg) inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), <b>6(1)(a)</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.                             |
| <b>F5</b> | Words in s. 13(2) 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), <b>Sch. 2 para. 1(4)</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.    |
| <b>F6</b> | Word in s. 13(2) inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), <b>6(1)(b)</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.                         |
| <b>F7</b> | S. 13(2A)-(5) substituted (1.6.2008) for s. 13(3)-(5) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), <b>6(1)(c)</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.        |
| <b>F8</b> | S. 13(5A)(5B) repealed (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 6(1)(d), 34(2), <b>Sch. 3</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.             |

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**Changes and effects yet to be applied to :**

- s. 13(1)(k) words inserted by [S.I. 2007/915 \(N.I.\) Sch. 2 para. 1\(3\)](#)