



Foyle Fisheries Act (Northern Ireland) 1952

1952 CHAPTER 5

PART III

THE FOYLE FISHERIES COMMISSION

10

Commencement

CONSTITUTION AND FUNCTIONS

11 **Establishment of Foyle Fisheries Commission.**

Subs. (1) rep. by SI 1999/859

(2) The functions of the Commission shall be—

- (a) the management of the property vested in the Ministry and the Minister under section eight;
- (b) the conservation, protection and improvement of the fisheries of the Foyle Area^[F1] and the Carlingford Area] generally ^[F2]and
- (c) such other functions as are conferred on the Commission by or under this Act or any other statutory provision.]

^[F3](2A) Without prejudice to the generality of subsection (2), the Commission may, for the purposes of its functions under that subsection—

- (a) provide education or training courses or facilities for training or instruction;
- (b) co-operate with other bodies having functions similar to those of the Commission;
- (c) carry out such research as it considers necessary;

Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, PART III. (See end of Document for details)

(d) make charges for facilities, amenities and services provided by the Commission.]

(3) The provisions of the Third Schedule to this Act shall apply to the Commission.

- F1** SI 1999/859
- F2** S. 11(2)(c) and preceding word added (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), **5(1)(a)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.
- F3** S. 11(2A) inserted (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), **5(1)(b)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

12 Exemption from rates and taxes.

- (1) The Commission shall not be liable for any tax whatsoever in respect of the property in or occupation of any lands, tenements and hereditaments or in respect of any of its income.
- (2) The Commission shall, in respect of any hereditament ...^{F4} used or occupied by the Commission, be exempt from liability for [^{F5} regional rate and district rate].

Subs. (3) rep. by 1972 NI 22

- F4** [1972 NI 16](#)
- F5** [1977 NI 28](#)

13 Regulations.

(1) The Commission may, with the approval of^{F6} 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^{F6} 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) ^{F7}
 - (g) the making of applications for, and the issue, alteration, renewal, and revocation of [^{F8} fishing licences], whether generally or in specified cases;
- [^{F9}(gg) the regulation or prohibition of the sale of any species of fish caught by rod and line;]
- (h) the protection of waters from poisoning and pollution by any deleterious or poisonous matter, or from any predatory fish or animals;

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- (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^{F6} 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 [^{F10}fishing licence][^{F11}, tag] or other document issued or varied by the Commission such fees, payable at such time and in such manner, as may be prescribed.
- ^{F12}(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) ^{F13}
- (5B) ^{F13}

Changes to legislation: There are currently no known outstanding effects for the *Foyle Fisheries Act (Northern Ireland) 1952, PART III*. (See end of Document for details)

- (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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| F6 | SI 1999/859 |
| F7 | 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), Sch. 3 (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F8 | 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), Sch. 2 para. 1(2) (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F9 | 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), 6(1)(a) (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F10 | 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), Sch. 2 para. 1(4) (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F11 | 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), 6(1)(b) (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F12 | 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), 6(1)(c) (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F13 | 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), Sch. 3 (with art. 32); S.R. 2008/232, art. 2 , Sch. |

[^{F14}14 **Restrictions on number of licences.**

- (1) The number of fishing licences which may be issued by the Commission in any year for fishing with fishing engines of any kind (other than rod and line) in—
- (a) the tidal waters of the Foyle Area; or
 - (b) the tidal waters of Carlingford Area;
 - (c) any prescribed part of those waters,
- shall not exceed such number as may be prescribed in relation to those waters or that part.
- (2) If the number of applications duly made for fishing licences in any year exceeds the maximum number prescribed by virtue of this section, the fishing licences shall be allocated in such manner as may be prescribed.]

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| F14 | S. 14 substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)) , arts. 1(3), 7 (with art. 32); S.R. 2008/232, art. 2 , Sch. |
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[^{F15}14A **Acquisition and development of waters for angling**

- (1) The Commission may, for the purpose of developing or improving facilities for angling, acquire by agreement—
- (a) fishing rights in any waters in the Foyle Area or the Carlingford Area;
 - (b) any estate in land by virtue of which such rights are exercisable;
 - (c) any estate in any other land which the Commission is satisfied it is expedient to acquire for the safeguarding or the full enjoyment or exploitation of those rights.

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- (2) Where fishing rights in respect of any waters have been acquired by the Commission under subsection (1)(a), the Commission may do all such things as are necessary or expedient—
- (a) for the proper development of those waters, and of any land acquired under subsection (1)(b) or (c), for angling; or
 - (b) for the provision of facilities or amenities for persons authorised by the Commission to enter such land.]

F15 S. 14A inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 8 (with art. 32); S.R. 2008/232, art. 2, Sch.

[^{F16}14B Permits to fish in Commission's waters

- (1) Where the Commission owns or manages the fishing rights in any waters—
- (a) the Commission may issue permits, or make arrangements for their issue through agents, authorising the holder of such a permit to use a rod and line in the waters to which the permit relates; and
 - (b) may, subject to subsection (2), charge for the issue of such permits such sums as may be prescribed.
- (2) The Commission may under subsection (1)(a) issue complimentary permits to such persons as may be prescribed in such circumstances as may be prescribed and nothing in this Act shall require such persons to make any payment in respect of such a permit.
- (3) A permit issued under subsection (1)(a) shall be granted for such period, and subject to such conditions, as may be specified in the permit.
- (4) Where a permit is issued under subsection (1)(a) in relation to any waters, any person who—
- (a) without obtaining such a permit, uses a rod and line in those waters;
 - (b) contravenes any condition to which a permit is subject;
 - (c) uses or, with intent to deceive, presents a permit for any time, date, period, place or purpose other than that for which that permit is valid;
 - (d) uses or presents, as being a permit of which he is the holder, a permit issued in the name of any other person; or
 - (e) uses or presents a permit that has been to his knowledge either in any manner altered (otherwise than by a person duly authorised by the Commission) or fraudulently counterfeited,
- shall be guilty of an offence against this Act.]

F16 S. 14B inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 9 (with art. 32); S.R. 2008/232, art. 2, Sch.

Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, PART III. (See end of Document for details)

DISSOLUTION OF LONDONDERRY BOARD

19 Dissolution of Londonderry Board.

- (1) The Londonderry Board is hereby dissolved.
- (2) All property, rights and liabilities of the Londonderry Board are hereby transferred to the Commission.

S. 20 rep. by SLR 1976

S. 21 rep. by SI 1999/859

Changes to legislation:

There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, PART III.