

1972. No. 156

[C]

FISHERIES**Drift Netting Control Bye-Laws 1972**

BYE-LAWS, DATED 5TH JUNE 1972, MADE BY THE FISHERIES CONSERVANCY BOARD FOR NORTHERN IRELAND WITH THE APPROVAL OF THE MINISTRY OF AGRICULTURE UNDER SECTION 70 OF THE FISHERIES ACT (NORTHERN IRELAND) 1966.

The Fisheries Conservancy Board for Northern Ireland (hereinafter called "the Board") being satisfied that it is expedient to control the use of drift nets for the taking of salmon in the sea and in exercise of its powers under Section 70 of the Fisheries Act (Northern Ireland) 1966(a) (hereinafter called "the Act") and of every other power enabling it in that behalf with the approval of the Ministry of Agriculture (hereinafter called "the Ministry") hereby makes the following Bye-laws.

1. These Bye-laws may be cited as the Drift Netting Control Bye-laws (Northern Ireland) 1972, and shall come into operation on 3rd July 1972.

2. These Bye-laws shall apply to the whole of Northern Ireland except the Londonderry Area.

3.—(1) Subject to paragraph (2) the Board shall not issue drift net licences except to persons who

(i) have held drift net licences during two out of the three years last preceding the date of application for a drift net licence to be issued in accordance with these Bye-laws, and the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969(b);

(ii) are the owners of boats used for drift net fishing.

(2) Paragraph (1) shall not apply where the Board (or on appeal from the Board under Bye-law 4 the Ministry) considers that by reason of special circumstances a drift net licence ought to be issued to a person other than a person described in sub-paragraphs (i) and (ii) of paragraph (1).

4. Where the Board refuses to issue a licence the appeal procedure prescribed in Bye-laws 12, 13, 14, 15 and 16 of the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969 shall have effect.

5.—(1) Subject to the provisions of paragraph (2) all boats used for drift net fishing shall be fishing boats registered in Northern Ireland under Part 4 of the Merchant Shipping Act 1894(c).

(2) Paragraph (1) shall not apply to boats used by fishermen resident outside Northern Ireland who have held drift net licences in two out of the three years last preceding the date of application for a drift net licence to be issued in accordance with these Bye-laws, and the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969.

(a) 1966, c. 17 (N.I.).

(b) S.R. & O. (N.I.) 1969, No. 91.

(c) 57 & 58 Vict. c. 60.

6.—(1) Subject to paragraph (2) boats used for drift net fishing shall not exceed 40 feet in registered length.

(2) Paragraph (1) shall not apply to a boat used for drift net fishing provided that such a boat

- (i) is under construction in Northern Ireland at the date of the coming into operation of these Bye-laws; and
- (ii) does not exceed 45 feet in registered length.

7. In these Bye-laws:

“drift netting” means a method of fishing as defined in Bye-law 43 of the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969;

“drift net” means a net as defined in Bye-law 65 of the Fisheries Consolidated, Amendment and Licence Duties Bye-laws (Northern Ireland) 1969;

“drift net licence” means a licence issued by the Board authorising the use of drift nets for the taking of salmon in the sea.

Sealed with the Common Seal of the Fisheries Conservancy Board for Northern Ireland this 5th day of June 1972.

(L.S.)

Savell Hicks

Chairman.

R. G. Weaver

Chief Inspector

The Ministry of Agriculture on behalf of the Secretary of State hereby approves the foregoing Bye-laws.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 3rd day of July 1972.

(L.S.)

Thomas P. Gibson,

Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Bye-laws, but is intended to indicate their general purport.)

These Bye-laws place restrictions on the issue of drift net licences and on the ownership and length of boats which may be used for drift net fishing.