

1979 No. 19

FISHERIES

Eel Fishing Regulations (Northern Ireland) 1979

Made 23rd January 1979

Coming into operation 1st April 1979

The Department(a) of Agriculture in exercise of the powers conferred on it by section 15 of the Fisheries Act (Northern Ireland) 1966(b) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Eel Fishing Regulations (Northern Ireland) 1979 and shall come into operation on 1st April 1979.

Interpretation

2. In these regulations—

“Lough Neagh” does not include tributaries and branches thereof.

“Erne Catchment Area” includes Lough Macnean but does not include any other lake, tributary or branch connected with Upper or Lower Lough Erne or the River Erne.

“defined mouth” means the mouth of a river as defined by an Order of the Department of Agriculture under section 16 of the Fisheries Act (Northern Ireland) 1966.

“licensed eel fisherman” means a person holding a valid licence from the Fisheries Conservancy Board for Northern Ireland which permits him to catch eels in nets or eel weirs or on long lines.

“dealer’s licence” means a valid licence from the Fisheries Conservancy Board for Northern Ireland which authorises a person to sell, or offer or expose for sale, eels or have eels in his possession for sale at any place or from or in any vehicle.

“undersized eels” means eels of a length less than 40 centimetres measured from the tip of the snout to the tip of the tail and shall apply to all waters in the Fisheries Conservancy Board area except Lough Neagh and its tributaries where it means eels of a length less than 30 centimetres measured from the tip of the snout to the tip of the tail.

“silver eels” means physiologically maturing eels in spawning livery migrating or waiting to migrate to the sea.

Annual close seasons

3.—(1) The annual close season for the taking of eels by means of fishing engines which are erected or hung in fishing weirs or are fixed engines (other than fyke nets or long lines) shall be the period from the last day in February in any year to 31st May in that year.

(a) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(b) 1966 c. 17 (N.I.)

(2) The annual close season for the taking of eels by means of fyke nets shall be the period from 8th January in any year to 30th April in that year.

Fyke net

4.—(1) A fyke net used for the purpose of taking eels shall have—

- (a) a leader not exceeding 7.3 metres in length;
- (b) a trap at each end on which no hoop shall exceed 50 centimetres in diameter;
- (c) no mesh of less size than 12 millimetres from knot to knot to be measured along the side of the square, or 24 millimetres to be measured on the stretched diagonal mesh, such measurements to be taken when the net is wet; and
- (d) no other net or netting attached other than to join fyke nets end to end.

(2) Each fyke net or series of fyke nets used for the taking of eels shall be marked at each end by a float which protrudes at least 10 centimetres from the surface of the water when the gear is fishing.

Fixed wing net

5. A fixed wing net for the taking of eels shall be used only in the waters described in Regulation 6.

6.—(1) A fixed wing net for the taking of eels in the River Erne in the County of Fermanagh between Rosscor Viaduct and a point 800 metres downstream of Rosscor Viaduct or in the River Quoile in the County of Down between the floodgates at the Old Quoile Bridge and the tidal barrier at Hare Island shall have a leader and wing or wings each not exceeding 23 metres in length.

(2) A fixed wing net for the taking of eels in that part of Lower Lough Erne in the County of Fermanagh which lies between Rosscor Viaduct and an imaginary line running directly from North to South and passing through the western tip of Ferny Island in the Parish of Belleek and Barony of Lurg shall have a leader and wing or wings each not exceeding 230 metres in length.

7.—(1) Any fixed wing net in fishing order shall be emptied of its catch at least once during each 48 hours.

(2) Nothing in paragraph (1) shall be construed as rendering liable to any penalty a person who satisfies the court that he was prevented by floods, storm or stress of weather from complying with that paragraph.

Long line

8.—(1) A person shall not use any long line for the taking of eels except in the waters of Lough Neagh upstream of the sluice gates at Toomebridge and in the waters of the Erne Catchment Area upstream of the road bridge at Belleek.

(2) A person shall not use on any long line for the purpose of taking eels a hook the shank of which is less than 23 millimetres in length and the gape of which, that is to say the distance between the point and the shank, is less than 7.75 millimetres.

Undersized eels

9.—(1) A person shall not wilfully take, kill or destroy any undersized eels.

(2) (a) A person shall not land or have in his custody or possession on land any undersized eels except a licensed eel fisherman or his agent thereto previously authorised in writing by him for the purpose of grading undersized eels immediately they are landed.

(b) Subject to the provisions of sub-paragraph (a) all undersized eels shall be returned immediately to the water from which they were taken.

(3) A person shall not have undersized eels in a keep box or other container for the holding of eels in a lake or river.

(4) (a) Except as permitted by paragraph (2) a person shall not buy, sell, offer or expose for sale or have in his possession any undersized eels.

(b) This paragraph shall not apply to—

(i) Any person buying, selling, offering or exposing for sale, or having in his possession any eels in a separate container who proves that at the time when the eels were delivered to him the person so delivering the eels also delivered to him a certificate in writing signed by the licensed eel fisherman who landed all the eels in that container to the effect that such eels were not undersized.

(ii) Any person (other than a licensed eel fisherman or the holder of a dealer's licence) buying eels if the same were supplied by a person who was or whom he believes on reasonable grounds to be the holder of a dealer's licence.

(5) The provisions of this regulation shall not apply to silver eels.

Marking of keep boxes

10. Each keep box or other container used for the holding of eels in a lake or river shall be clearly marked in letters or figures not less than 12 millimetres in height with the name and address of, or the licence number of the long line or net or of any series of nets used by, the owner of the box or container.

Taking of fish other than eels

11. A person shall not use a fishing engine which is licensed for the taking of eels to fish for, take or kill fish other than eels. Any fish other than eels taken by a fishing engine licensed only for the taking of eels shall be returned to the waters from which they were taken as soon as practicable and without any avoidable injury.

Limitations on fishing

12.—(1) A person shall not use any nets for the purpose of taking eels—

(a) in the area of Upper and Lower Lough Erne lying between

(i) an imaginary line drawn from the most easterly point in the townland of Tullydevenish, thence by the western shore of Devenish Island to the most northerly point of Devenish Island and thence to the nearest point on the northern shore of Lough Erne, and

(ii) an imaginary line drawn across Innishmore Viaduct thence by the southern shore of the townland of Lusty Beg to the most easterly point of the Island of Killygowan and thence to the nearest point on the shore in the townland of Corrad;

except in Tamlaght Bay, north and east of an imaginary line drawn through the navigational markers at the entrance to Tamlaght Bay to the nearest point in the townland of Kilmalanophy on the west shore and the nearest point in the townland of Drumcullion on the east shore;

- (b) within 1.61 kilometres of the defined mouth of any river flowing into Upper or Lower Lough Erne;
- (c) in that portion of Lower Lough Erne westwards and northwards of an imaginary line drawn from Hills Island to Eagle Island and thence to the most westerly point of Boa Island.

(2) Sub-paragraph (c) of paragraph (1) shall not apply to fixed wing nets used between Rosscor Viaduct and an imaginary line running directly from north to south and passing through the western tip of Ferny Island.

Use of boats

13. Boats used for fishing for eels by means of netting or long lining on Upper and Lower Lough Erne shall not exceed 5.5 metres in length overall and 1.7 metres beam.

Revocations

14. The regulations listed in the Schedule are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 23rd January 1979.

(L.S.)

E. G. Sherrard
Assistant Secretary

SCHEDULE

1. Eel Fishing (Licence Duty and Limitations on Fishing) Regulations (Northern Ireland) 1967 [S.R. & O. (N.I.) 1967 No. 72]
2. Eel Fishing in River Erne Regulations (Northern Ireland) 1967 [S.R. & O. (N.I.) 1967 No. 241]
3. Eel Fishing in River Erne Regulations (Northern Ireland) 1968 [S.R. & O. (N.I.) 1968 No. 207]
4. Eel Fishing (Amendment) Regulations (Northern Ireland) 1969 [S.R. & O. (N.I.) 1969 No. 79]
5. Eel Fishing (River Erne and Quoile Basin) Regulations (Northern Ireland) 1969 [S.R. & O. (N.I.) 1969 No. 185]
6. Eel Fishing (River Fane) Regulations (Northern Ireland) 1969 [S.R. & O. (N.I.) 1969 No. 330]
7. Eel Fishing (Amendment of Close Season) Regulations (Northern Ireland) 1970 [S.R. & O. (N.I.) 1970 No. 4]
8. Eel Fishing (Close Season) Regulations (Northern Ireland) 1970 [S.R. & O. (N.I.) 1970 No. 237]
9. Eel Fishing (River Erne and Quoile Basin) Regulations (Northern Ireland) 1971 [S.R. & O. (N.I.) 1971 No. 369]
10. Lough Erne Eel Fishing Regulations (Northern Ireland) 1973 [S.R. & O. (N.I.) 1973 No. 124]

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations consolidate and revise all eel regulations with the exception of regulations relating to licence duties. They also revoke regulations which are spent. The main changes are:

- (a) the minimum size for eels which may be retained on Lough Neagh is 30 centimetres;
- (b) any fixed wing net in fishing order shall be emptied of its catch at least once during each 48 hours;
- (c) eel long lines shall be used only in the waters of Lough Neagh and the Erne Catchment Area.