

## 1985 No. 342

## FISHERIES

## Foyle Area (Control of Netting) (Amendment No. 2) Regulations 1985

Made . . . . . 20th November 1985

Coming into operation . . . . . 16th December 1985

The Foyle Fisheries Commission in exercise of its powers under section 13 of the Foyle Fisheries Act 1952(a) and section 13 of the Foyle Fisheries Act (Northern Ireland) 1952(b) with the approval of the Minister for Fisheries and Forestry in the Republic of Ireland(c) and the Department of Agriculture for Northern Ireland(d) hereby makes the following Regulations:—

*Citation and Commencement*

1. These Regulations may be cited as the Foyle Area (Control of Netting) (Amendment No. 2) Regulations 1985 and shall come into operation on 16th December 1985.

*Amendment to the Foyle Area (Control of Netting) Regulations 1981*

2. The Foyle Area (Control of Netting) Regulations 1981(e) shall be amended as follows:—

(1) For Regulation 14(2) there shall be substituted:—

“(2) A person who on demand for a licence as provided in paragraph (1) produces a licence in the name of another person shall—

- (i) in the case of a licence for a draft net or a drift net, at the same time produce to the authorised person the written authorisation provided for in Regulation 14A(2);
- (ii) in all other cases, at the same time produce to the authorised person the written authority of the licensee, authorising the use or possession by the person producing the authority, of the net in relation to which such demand was made”.

(2) After Regulation 14 there shall be added the following Regulation:—

*“Use of Licences for Drift and Draft Nets*

**14A.**—(1) Subject to paragraph (2) fishing in any part of the Foyle Area using a draft net or a drift net specified in Part I of the Schedule to the Foyle Area (Licensing of Fishing Engines) Regulations 1976(f) for which a licence is required shall not be permitted except by the licensee with the assistance of some or all of the persons named to assist in using the fishing engine in accordance with Regulation 4 of the said Regulations.

(2) Notwithstanding paragraph (1) fishing by any of the methods referred to therein may be carried out in the absence of the licensee by the senior helper nominated in accordance with Regulation 4 of the Foyle Area (Licensing of Fishing Engines) Regulations 1976, with the assistance of some or all of the

(a) No. 5 of 1952 (Republic of Ireland)

(b) 1952 c. 5 (N.I.)

(c) 1962 c. 5 (N.I.) Section 2(2)

(d) S.R. & O. (N.I.) 1963 No. 29 Art. 2(2) and Sch. Part II

(e) S.R. 1981 No. 169

(f) S.R. 1976 No. 362 as amended by S.R. 1985 No. 23 and S.R. 1985 No. 341

persons named to assist in using the fishing engine in accordance with that Regulation, where the licensee, or in the events set out in paragraph (5) the senior helper, has made written request to and received written authorisation from the Commission to permit the senior helper to act in the absence of the licensee for such period or periods in respect of which the licence is in force as shall be stated in such request and authorisation.

(3) Fishing operations in accordance with paragraph (2) shall be carried out only during the period or periods stated in the Commission's authorisation and in the presence of the senior helper.

(4) A written request in accordance with paragraph (2) shall contain an explanation as to the reason why the licensee will not be present during some or all of the fishing operations carried out under the authority of the licence and the person making the request shall provide the Commission with such documentary evidence in support of that reason as may be required by the Commission.

(5) Where a licensee dies or as a result of physical or mental disability becomes incapable of making a written request to the Commission in accordance with paragraph (2) his senior helper, nominated as aforesaid, may make the written request to the Commission to act in the absence of the licensee for the remainder of the period in respect of which the said licence is in force."

Given under the Common Seal of the Foyle Fisheries Commission on 20th November 1985.

(L.S.)

*P. Lyng*

Member of the Commission appointed by the Minister for Fisheries and Forestry.

The Minister for Fisheries and Forestry hereby approves the foregoing regulations.

Sealed with the Official Seal of the Minister for Fisheries and Forestry on 26th November 1985.

(L.S.)

*T. Rea*

A person authorised by the Minister for Fisheries and Forestry to authenticate the Official Seal of the Minister.

(L.S.)

*J. W. Anderson*

Member of the Commission appointed by the Department of Agriculture for Northern Ireland.

The Department of Agriculture for Northern Ireland hereby approves the foregoing regulations.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 29th November 1985.

(L.S.)

*N. E. Morrison*

Assistant Secretary  
Department of Agriculture for Northern Ireland.

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Foyle Area (Control of Netting) Regulations 1981 which control and restrict netting for salmon and trout in the Foyle Area.

The amended Regulations require the holder of a drift net licence or a draft net licence to be present during fishing operations but provide that, where the licence holder has nominated a senior helper in his application for the licence, he may request and obtain the written authorisation of the Commission to have his senior helper act in his absence. They require the licence holder to provide the reason why he requires his senior helper to act in his absence. The senior helper is also permitted, because of the death or disability of the licence holder, to request the Commission's permission to operate the net for the remainder of the fishing season instead of the licence holder. The Regulations further provide that a person using a net shall, on demand, produce the licence and, where appropriate, the Commission's authorisation of the senior helper, to any authorised officer.

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**1985 No. 343**

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.