
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 425

Fisheries Byelaws (Northern Ireland) 1997

Part II

Licences, Duties and Fees

4. Subject to Part III of the Act there shall be payable to the Board in respect of—
- (a) a fishing rod licence specified in column (1) of Part I of Schedule 1, a duty of the amount set out opposite thereto in column (2) of that Part;
 - (b) a fishing engine specified in column (1) of Part II of Schedule 1, a duty of the amount set out opposite thereto in column (2) of that Part.

5.—(1) A person who makes application in writing to the Board for a dealer's licence under section 114 of the Act shall forward with that application the fee prescribed in Part III of Schedule 1.

(2) Where the holder of a dealer's licence applies for renewal of that licence under section 115 of the Act his application shall be accompanied by the fee prescribed in Part III of Schedule 1.

6. Any person who has not attained the age of 18 years shall be exempt from the requirements to hold a fishing licence for angling but where any such person uses more than one rod and line or hand line at the same time he shall be exempt from such requirement only in respect of one rod and line or one hand line as the case may be.

7. The Board shall issue a game fishing rod licence to use a single game rod to any person holding a current game fishing rod licence issued by the Foyle Fisheries Commission on payment to the Board of a duty of the amount set out in column (2) of Part I of Schedule 1 opposite the entry "Additional amount payable by the holder of a current game fishing rod licence issued by the Foyle Fisheries Commission to use a single game rod" in column (1) of that Part.

Issue of drift net licences

8. Subject to Byelaws 9 and 10 the Board shall issue a drift net licence to any person who has held a drift net licence in any one of the 3 calendar years immediately preceding his application for such a licence.

9. Where a drift net licence holder dies or retires from drift netting the Board shall issue to the applicant for a drift net licence who is the longest serving crew member of the boat used for drift netting by that licence-holder or, failing an application from that crew member, to the crew member of that boat next in length of service who makes an application for a drift net licence and so on in descending order of length of service of crew members of that boat.

10. The Board shall maintain a register in which applications from bona fide fishermen who are not eligible to be issued with a drift net licence under Byelaw 8 or 9 shall be entered and, when on the death or retirement from drift netting of a licence-holder no application is made in accordance with Byelaw 9, persons whose names are recorded on the register shall have the opportunity, in the chronological order in which they made application, of being issued with a drift net licence.

11. A person who is eligible to be issued with a drift net licence under Byelaw 8 and who is unable to fish by means of drift netting in any calendar year shall notify the Board on or before 1st June in that year of the reason for his not making an application.

12. Where a person who is eligible under Byelaw 8 to have a drift net licence issued to him in any calendar year, fails to notify the Board in accordance with Byelaw 11 he shall cease to be eligible to have a drift net licence issued to him and the provisions of Byelaws 9 and 10 shall apply as if that person had died or retired from drift netting.

13. The number of drift net licences which may be issued in any calendar year shall not exceed one for every person to whom there may be issued such licences under or by virtue of Byelaws 8, 9 and 10.

14.—(1) A drift net licence shall be valid only when used by the licence-holder or his named agent in respect of whom the licence-holder has made written request to and has received from the Board written authorisation to have that agent act in his absence.

(2) The written authorisation referred to in paragraph (1) shall specify the period or periods during which the agent shall be authorised to act in the licence-holder's absence.

(3) The agent named in the written authorisation referred to in paragraph (1) shall be present during fishing operations and the boat and fishing gear used shall be that normally used by the licence-holder.

15. The written authorisation referred to in Byelaw 14 shall be given by the Board only where it is satisfied that the licence-holder is incapable of fishing as a result of illness or injury and the Board may require the licence-holder to provide such relevant information and documentary evidence as it may consider necessary.

Issue of tidal draft net licences

16.—(1) The maximum number of tidal draft net licences issued in any calendar year shall not exceed 6.

(2) An application for such a licence shall be received on or before 1st March in the calendar year to which the licence is to relate.

(3) Where an application for such a licence is received from a person to whom a licence was issued at any time during the period of 3 years preceding 31st December 1996, such an application shall be deemed to have been received before an application received from any other person.

(4) Where the number of applications for such licences received on or before 1st March in any calendar year exceeds 6, the licences shall, subject to paragraph (3), be issued according to the order in which applications for those licences were received.

General rules on fishing licences

17. On application made in such form as it may require and accompanied by the appropriate amount of duty the Board shall, subject to Byelaw 24, issue to the person making application or renew a fishing licence in respect of any fishing engine subject to such conditions as may be set out in the licence.

18. All fishing licences issued in pursuance to these Byelaws shall be valid only during the period stated thereon from the date and time of issue.

19. Fishing licences issued under these Byelaws in respect of any fishing engine shall not authorise the use of that fishing engine for the taking or killing of fish other than those specified on the licence.

20. All fishing licences issued under these Byelaws (other than coarse fishing rod licences, game fishing rod licences and drift net licences) shall be valid only when used by the licence-holder or his agent previously authorised in writing by him.

21. A fishing licence for angling shall be in the form and contain the conditions set out in Schedule 5.

22. A commercial fishing licence shall be in the form and contain the conditions set out in Schedule 6.

23. A licence mentioned in Byelaw 21 or 22 may be issued by a distributor approved by the Board in writing in that behalf.

24. Where a person has been convicted of any offence under the Act the Board may (subject to the provisions of these Byelaws) revoke any fishing licence held by such person or (as the case may be) refuse to issue such person a fishing licence or renew any fishing licence held by such person.