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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 483**

**FISHERIES**

**Foyle Area (Control of Fishing) Regulations 1999**

*Made* - - - - *26th November 1999*

*Coming into operation* *31st December 1999*

The Foyle Fisheries Commission, in exercise of the powers conferred on it under section 13 of the Foyle Fisheries Act 1952(1) and section 13 of the Foyle Fisheries Act (Northern Ireland) 1952(2) with the approval of the Minister for the Marine and Natural Resources(3) in the Republic of Ireland and the Department of Agriculture for Northern Ireland(4) hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Foyle Area (Control of Fishing) Regulations 1999 and shall come into operation on 31st December 1999.

**Interpretation**

2. In these Regulations—

“angling” means the use of rod and line for the purpose of taking salmon, sea trout or brown trout;

“netting” means the use of any net for the purpose of taking salmon or sea trout;

“the River Faughan Fish Counter” means the automatic fish counter situated in the townland of Campsie in the County of Londonderry;

“the River Roe Fish Counter” means the automatic fish counter situated in the townland of Drumballydonaghy, in the County of Londonderry;

“the River Roe Gauging Station” means the Department of Agriculture for Northern Ireland River Agency Gauging Station situated in the townland of Ardnargle in the County of Londonderry;

“salmon” includes all fish of the salmon species and the spawn and fry thereof but does not include sea trout or the spawn and fry thereof;

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

(2) 1952 c. 5 (N.I.)

(3) See 1962 c. 5 (N.I.), Section 2(2)

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

“Sion Mills Fish Counter” means the automatic fish counters situated at Sion Mills Weir in the County of Tyrone; and

“the Sion Mills River Gauging Station” means the Department of Agriculture for Northern Ireland River Agency Gauging Station situated on the River Mourne in the townland of Drummaboy in the County of Tyrone.

**Suspension of netting and angling in the River Mourne, the River Strule and their tributaries, the River Foyle, Lough Foyle and the area seaward of Lough Foyle**

3.—(1) If the Commission is satisfied that—

- (a) during the period 1st July to 10th July, both dates inclusive, the water level on the River Mourne recorded by the Sion Mills River Gauging Station rises above the reading prescribed by item 1 of Column 1 of the Schedule and the number of salmon which have migrated upstream of Sion Mills Fish Counter during the period 1st May to 30th June, both dates inclusive, has not exceeded the number of salmon prescribed in Column 2 opposite that reading;
- (b) during the period 11th July to 29th July, both dates inclusive, the water level on the River Mourne recorded by the Sion Mills River Gauging Station rises above the reading prescribed by item 2 of Column 1 of the Schedule and the number of salmon which have migrated upstream of Sion Mills Fish Counter during the period 1st May to 10th July, both dates inclusive, has not exceeded the number of salmon prescribed in Column 2 opposite that reading;

it shall, subject to regulation 6, make a declaration under paragraph (2).

(2) A declaration under this paragraph shall suspend—

- (a) angling and netting on the River Foyle, Lough Foyle and the waters seaward of Lough Foyle for a period of 48 hours from the time specified in the declaration; and
- (b) angling on the River Mourne and the River Strule and their tributaries for a period of 48 hours from the time specified in the declaration.

4.—(1) If the Commission is satisfied that—

- (a) during the period 1st July to 10th July, both dates inclusive, the water level on the River Mourne recorded by the Sion Mills River Gauging Station rises above the reading prescribed by item 3 of Column 1 of the Schedule and the number of salmon which have migrated upstream of Sion Mills Fish Counter during the period 1st May to 30th June, both dates inclusive, has not exceeded the number of salmon prescribed in Column 2 opposite that reading;
- (b) during the period 11th July to 29th July, both dates inclusive, the water level on the River Mourne recorded by the Sion Mills River Gauging Station rises above the reading prescribed by item 4 of Column 1 of the Schedule and the number of salmon which have migrated upstream of Sion Mills Fish Counter during the period 1st May to 10th July, both dates inclusive, has not exceeded the number of salmon prescribed in Column 2 opposite that reading;

it shall, subject to regulation 6, make a declaration under paragraph (2).

(2) A declaration under this paragraph shall suspend—

- (a) angling and netting on the River Foyle, Lough Foyle and the waters seaward of Lough Foyle for a period of 24 hours from the time specified in the declaration;
- (b) angling on the River Mourne and the River Strule and their tributaries for a period of 24 hours from the time specified in the declaration.

### **Suspension of netting and angling on the River Roe**

5. If the Commission is satisfied that, during the period 1st August to 13th August, both dates inclusive, the water on the River Roe recorded by the River Roe Gauging Station rises above the reading prescribed by item 5 in Column 1 of the Schedule and the number of salmon which have migrated upstream of River Roe Fish Counter during the period 1st June to 31st July, both dates inclusive, has not exceeded the number of salmon prescribed in Column 2 opposite that reading it shall declare netting and angling on the River Roe suspended for a period of 48 hours from the time specified in the declaration.

6.—(1) Any period of suspension declared in relation to any waters under regulations 3, 4 or 5 shall—

- (a) fall outside the weekly close time (if any) for those waters; and
- (b) not take effect less than 6 hours after the publication of the certificate containing the declaration.

(2) Where the Commission has, in any annual season, declared a period of suspension in relation to any waters—

- (a) for a period of 24 hours under regulation 4(2), any further period of suspension under paragraphs 3(2) and 4(2) in the same season in relation to those waters shall not exceed 24 hours;
- (b) for a period of 48 hours under regulation 3(2), no further declaration of a period of suspension under paragraphs 3(2) and 4(2) shall be made in the same season in relation to those waters.

### **Suspension of angling before end of season**

7. If the Commission is satisfied that—

- (a) during the period 1st May to 15th September, both dates inclusive, in any year, the number of salmon which have migrated upstream of Sion Mills Fish Counter has not exceeded 7,000, it shall declare angling on the Rivers Mourne and Strule and their tributaries suspended from the next following 11th October until the beginning of the next following annual close season for angling in those waters;
- (b) during the period 1st May to 15th September, both dates inclusive, in any year, the number of salmon which have migrated upstream of the River Roe Fish Counter has not exceeded 1,000, it shall declare angling on the River Roe suspended from the next following 11th October until the beginning of the next following annual close season for angling in those waters;
- (c) during the period 1st May to 15th September, both dates inclusive, in any year, the number of salmon which have migrated upstream of the River Faughan Fish Counter has not exceeded 1,000, it shall declare angling on the River Faughan suspended from the next following 11th October until the beginning of the next following annual close season for angling in those waters.

### **Prohibitions on netting and angling**

8.—(1) A person shall not use a net, for the purpose of taking salmon or sea trout in—

- (a) the River Foyle, Lough Foyle and the water seaward of Lough Foyle; or
- (b) the River Roe,

during any period of suspension declared in relation to those waters under these Regulations.

(2) A person shall not use a rod and line for the purpose of taking salmon or sea trout in—

- (a) the Rivers Mourne, Strule and their tributaries; or
- (b) the River Roe;
- (c) the River Faughan,

during any period of suspension declared in relation to those waters under these Regulations.

#### **Declarations**

9.—(1) A declaration made under these Regulations shall be made by certificate under the hand of the Chief Executive of the Commission and published in such manner as he thinks appropriate.

(2) A declaration made under these Regulations in relation to any water shall state the grounds on which it is made and, in particular,

- (a) the relevant salmon count in the water;
- (b) the relevant water level recorded; and
- (c) the time when the water level was recorded.

#### **Malfunction of counters**

10.—(1) Where any fish counter referred to in these Regulations ceases to operate for a total of 5 days or more during any of the periods referred to in Regulations 3, 4, 5 or 7, the Commission shall not declare any period of suspension under these Regulations in pursuance of a reading taken from the counter during any such period.

(2) Where any of the fish counters referred to in these Regulations ceases to operate for a total of less than 5 days during any of the periods referred to in Regulations 3, 4, 5 or 7, the Commission shall calculate the average count of salmon recorded by such fish counter for each complete day during the period when the counter was operating and add the daily average count to the total recorded count of salmon for each complete day during the period when the said counter was not operating and for any purpose of these Regulations the resulting figure shall be deemed to be the number of salmon which have migrated upstream of the fish counter during the period in question.

Given under the Common Seal of the Foyle Fisheries Commission on 26th November 1999.

L.S.

*M. Mullan*  
Member of the Commission appointed by the  
Minister for the Marine and Natural Resources

The Minister of the Marine and Natural Resources hereby approves the foregoing Regulations  
Sealed with the Official Seal of the Minister for the Marine and Natural Resources on 26th  
November 1999

L.S.

*P. McHale*

A person authorised by the Minister for the  
Marine and Natural Resources to authenticate the  
Official Seal of the Minister

L.S.

*H. T. Hutley*

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 1999

L.S.

Department of Agriculture for Northern Ireland

*G. Lavery*  
Assistant Secretary

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

	Column (1)	Column (2)
1.	3500 metres Over Datum	2,600 salmon
2.	3500 metres Over Datum	4,200 salmon
3.	3010 metres Over Datum	2,600 salmon
4.	3010 metres Over Datum	4,200 salmon
5.	2000 metres Over Datum	650 salmon

## EXPLANATORY NOTE

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

These regulations replace the Foyle Area (Control of Fishing) Regulations 1977.

They provide for the suspension of angling and netting on waters in the Foyle Area for the purpose of securing improved escapement of salmon into the catchment during times of flood.

The regulations also stipulate the conditions under which angling on the Rivers Faughan, Mourne, Roe and Strule and their tributaries may be terminated from 11th October if the number of salmon counted going upstream are below predetermined numbers.