1977 No. 109

FISHERIES

Foyle Area (Control of Fishing) Regulations 1977

Made . . . . . 23*rd March* 1977

Coming into operation . . . 1*st June* 1977

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 in the Republic of Ireland and of the Department(**c**) of Agriculture for Northern Ireland hereby makes the following regulations:

Citation and commencement

1. These Regulations may be cited as the Foyle Area (Control of Fishing) Regulations 1977 and shall come into operation on 1st June 1977.

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;

"period of suspension" means any period during which netting is suspended under these regulations;

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

"the Roe Bridge River Gauge" means the river gauge situated alongside the Roe Bridge in the townland of Limavady;

"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;

"Sion Mills Fish Counter" means the automatic fish counter situated at Sion Mills Weir in the County of Tyrone;

"the Sion Mills River Gauge" means the Commission's river gauge situated immediately upstream of Sion Mills Weir in the County of Tyrone.

Suspension of netting in the River Foyle, Lough Foyle and the Sea

3.—(1) Netting shall be suspended in accordance with the provisions of regulation 9 on the River Foyle, Lough Foyle and waters seaward of Lough Foyle for a period of 48 hours outside the weekly close time if:—

(*a*) during the period 1st July to 10th July, both dates inclusive, the water level on the River Mourne rises above a reading of 20 inches on the Sion Mills River Gauge and the Commission has not counted at least 2,600 salmon by means of the Sion Mills Fish Counter during the period 1st May to 30th June, both dates inclusive;

(a) No. 5 of 1952 (Republic of Ireland)
(b) 1952 c. 5 (N.I.)
(c) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(*b*) during the period 11th July to 31st July, both dates inclusive, the water level on the River Mourne rises above a reading of 20 inches on the Sion Mills River Gauge and the Commission has not counted at least 4,200 salmon by means of the Sion Mills Fish Counter during the period 1st May to 10th July, both dates inclusive.

(2) Netting shall be suspended in accordance with the provisions of regulation 9 on the River Foyle, Lough Foyle and the waters seaward of Lough Foyle from 0600 hours on 6th August in any calendar year until the beginning of the next annual close season if by 31st July of that year the Commission has not counted at least 6,000 salmon by means of the Sion Mills Fish Counter.

Suspension of netting in the River Roe

4.—(1) If in any calendar year the Commission has not counted, by means of the River Faughan Fish Counter, at least 650 salmon during the period 1st June to 31st July, both dates inclusive, netting shall be suspended in accordance with the provisions of regulation 9 on the River Roe for a period of 48 hours outside the weekly close time on the first occasion after 31st July in that year when the water level on the River Roe rises above a reading of 30 inches on the Roe Bridge River Gauge.

(2) Netting shall be suspended in accordance with the provisions of regulation 9 on the River Roe after 20th August in any calendar year until the beginning of the next annual close season if during the period 1st June to 15th August, both dates inclusive, in that year the Commission has not counted at least 1,200 salmon by means of the River Faughan Fish Counter.

Prohibition of netting during periods of suspension

5. Netting shall be prohibited in any waters in the Foyle Area during any period when netting is suspended on those waters under these regulations.

Suspension of angling in Rivers Mourne and Strule

6. Angling shall be suspended in accordance with the provisions of regulation 9 in the Rivers Mourne and Strule and their tributaries from 11th October in any calendar year until the beginning of the next annual close season for angling in those waters if during the period 1st May to 15th September, both dates inclusive, in that year the Commission has not counted at least 7,000 salmon by means of the Sion Mills Fish Counter.

Suspension of angling in Rivers Faughan and Roe

7. Angling shall be suspended in accordance with the provisions of regulation 9 in the Rivers Faughan and Roe and their tributaries from 11th October in any calendar year until the beginning of the next annual close season for angling in those waters if during the period 1st May to 30th September, both dates inclusive, in that year the Commission has not counted at least 1,000 salmon by means of the River Faughan Fish Counter.

Prohibition of angling

8.—(1) Angling shall be prohibited in the River Foyle during any period when netting in those waters is suspended in accordance with these regulations.

(2) Angling shall be prohibited in the Rivers Mourne, Strule, Faughan and Roe during any period when angling in those waters is suspended in accordance with these regulations.

Notification of commencing suspension

9.—(1) If the Commission is satisfied that the conditions specified in regulations 3(1) and, or 4(1) for a period of suspension have been met it shall publish under the hand of the Secretary to the Commission, or of such other person as the Commission may appoint for that purpose, a certificate to that effect and this certificate shall state the number of salmon which have been counted, the reading on the appropriate river gauge, the time that the reading was taken and the time that the period of suspension shall commence.

(2) The Commission shall introduce any period of suspension under regulations 3(1) or 4(1) as soon as is reasonably possible if the conditions for introducing the period of suspension have been met, provided that the period of suspension shall not commence less than 24 hours after the publication of the certificate.

(3) If the Commission is satisfied that the conditions specified in regulations 3(2), 4(2), 6 or 7 for a period of suspension have been met it shall publish under the hand of the Secretary to the Commission, or of such other person as the Commission may appoint for that purpose, a certificate to that effect and this certificate shall state the number of salmon which have been counted and the date that the period of suspension shall commence.

Malfunction of counter

10. Without prejudice to the generality of the foregoing provisions, should any fish counter referred to herein cease to function, then the count of salmon to be ascertained for the period of malfunction shall be made by means of a visual count, the number so obtained being multiplied by the factor three (for the purpose of equivalence with the automatic fish count in question) and such number shall be deemed to be the count of salmon during the period of malfunction and shall be used for the purposes of these regulations.

Revocation

11. The Foyle Area (Control of Fishing) Regulations 1976(**d**) are hereby revoked.

Given under the Common Seal of the Foyle Fisheries Commission on the 23rd March 1977.

(L.S.) *J. Power*
Member of the Commission nominated by the Minister.

K. Vickers
Member of the Commission nominated by the Department.

The Minister for Fisheries hereby approves of the foregoing regulations.

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

Sealed with the Official Seal of the Minister for Fisheries on the 15th April 1977.

Sealed with the Official Seal of the Department of Agriculture on the 22nd April 1977.

(L.S.) *Patrick S. Donegan*

(L.S.) *E. G. Sherrard*
Assistant Secretary, Department of Agriculture for Northern Ireland.

(**d**) S.R. 1976 No. 186 (I, p. 881)

EXPLANATORY NOTE

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

These regulations replace the Foyle Area (Control of Fishing) Regulations 1976. They provide certain adjustments of the periods during which netting is suspended on the waters of the Foyle Area for the purpose of securing improved escapement of fish into freshwater during times of floods. The regulations also stipulate the conditions under which netting in the Foyle Area shall be terminated prior to the normal closing of the netting season on 31st August each year. They also prohibit angling in the tidal waters of the River Foyle during any period when netting is suspended on those waters. In addition the regulations provide for the angling season on the Rivers Faughan, Mourne, Roe and Strule and their tributaries to be terminated from 11th October if the numbers of salmon counted going upstream are below predetermined numbers.