1990 No. 457

FISHERIES

Foyle Area (Control of Drift Net Fishing) (Amendment) Regulations 1990

Made . . . . . *21st November 1990*

Coming into operation . . *14th January 1991*

The Foyle Fisheries Commission in exercise of its powers under sections 13 and 14 of the Foyle Fisheries Act 1952(**a**) and sections 13 and 14 of the Foyle Fisheries Act (Northern Ireland) 1952(**b**), with the approval of the Minister for the Marine 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 Drift Net Fishing) (Amendment) Regulations 1990 and shall come into operation on 14th January 1991.

2. The Foyle Area (Control of Drift Net Fishing) Regulations 1989(**e**) shall be amended as follows:—

(*a*) for Regulation 4(ii)(*c*) there shall be substituted:—

"has attained the age of 18 years and is the son of a licencee or a deceased licencee and has made application for a licence to be allocated under Regulation 5(8), (10) or (11); or"

(*b*) after Regulation 4(ii)(*d*) there shall be added:—

"(*d*) is the widow of a licencee who died since the beginning of the first datum year and who has made application for a licence to be allocated under Regulation 5(9)."

(*c*) for Regulation 5(12) there shall be substituted:—

"(*a*) If, having allocated licences to applicants who qualified in accordance with paragraph (11) any licences still remain to be allocated the Commission shall proceed to the allocation of such remaining licences to each applicant who as senior helper or crew members was engaged in drift net fishing in at least one of the datum years.

(**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. 1989 No. 463

(*b*) When allocating licences in accordance with this paragraph the Commission shall decide on the priority of allocation having regard to:—

(i) the number of datum years in which the applicant has been a senior helper or crew member;

(ii) the number of years since the applicant first made an application for a licence but for the purposes of this paragraph all such applications made earlier than 1980 shall be considered as applications first made in 1980;

(iii) the extent to which the applicant has already incurred expenditure on a boat, nets and other equipment which can be lawfully used for drift net fishing; and

(iv) any conviction under the Fisheries Acts in respect of an offence committed since the beginning of the first datum year.

(*c*) The applicant shall provide the Commission with such documentary evidence as to the date when he first made application for a licence as may be required by the Commission.

(*d*) The applicant shall provide the Commission with such documentary evidence as to his expenditure on a boat, nets or equipment required for drift net fishing as may be required by the Commission.".

GIVEN under the common seal of the Foyle Fisheries Commission on 21st November 1990.

(L.S.) *E. Twomey*
Member of the Commission appointed by the Minister for the Marine.

The Minister for the Marine hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Minister for the Marine on 20th December 1990.

(L.S.) *Declan Doyle*
A person authorised by the Minister for the Marine 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 3rd January 1991.

(L.S.) *L. Sinclair*
Assistant Secretary
Department of Agriculture for Northern Ireland.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations include widows of deceased licencees amongst those from whom applications for drift net licences may be approved. They also delete any reference to sources of income of an applicant for a Foyle Area Drift Net Licence or his spouse as a criterion when allocating licences.