**Commercial Fishery Guidance for Commercial Fishers on Lough Neagh May 2021**

**Annual close seasons and close times for commercial fishing on Lough Neagh**

**ALL DATES BELOW ARE INCLUSIVE**

**NO FISHING IS ALLOWED FOR ANY SPECIES SUBJECT TO A CLOSED SEASON EXCEPT THE PROVISION FOR THE USE OF A BAIT NET FOR LICENCED EEL FISHERMEN TO CAPTURE COARSE FISH BAIT AS HIGHLIGHTED BELOW DURING THE COARSE FISH CLOSED PERIOD 1st March – 31st May INCLUSIVE.**

**NO FISHING FOR ANY FISH OTHER THAN EELS IS ALLOWED DURING THE WEEKEND CLOSURE**

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| **Species** | **Closed Season** | **Weekly Closure** | **Fish Minimum Size**  | **Minimum Mesh (Knot to Knot)** |
| Perch | 1st March – 31st May\* | 6.00 am Saturday until 6.00 am following Monday | 16.5cm | 27mm |
| Bream | 1st March – 31st May\* | 6.00 am Saturday until 6.00 am following Monday | N/A | 51mm |
| Pike | 1st March – 31st May\* | 6.00 am Saturday until 6.00 am following Monday | 60cm | 51mm |
| Pollan | 1st Nov – 31st Jan\* | 6.00 am Saturday until 6.00 am following Monday | 20.5cm | 27mm |
| Roach | 1st March – 31st May\* | 6.00 am Saturday until 6.00 am following Monday | N/A | 27mm |
| Trout | 20th Aug – Last day Feb\* | 6.00 am Saturday until 6.00 am following Monday | 35.5cm | 57mm  |
| \*Eels  | 10th Jan – 30th April (by long line and eel draft net) | Not Applicable | Brown Eel 40cmSilver Eel 30cm | \*\*Gear specifications below |

**In the event of a fisherman NOT being able to retrieve their nets before the start of the weekend closure they should ring Mahon Road Fisheries Office on (028) 38339748 during office hours Monday to Friday 0900hrs – 1700hrs, outside office hours please call Lough Neagh Boathouse – (028) 38340649 giving their Name, DAERA Licence Number, location of the net giving the Latitude/Longitude and the reason why they could not recover their nets, this information should also be left on the answering machine if the call is not answered by staff. The Department will monitor this issue to ensure that it is not used as an excuse to fish the weekend closure period and may seize nets where any such concerns are identified. The Department will seize any nets found on Lough Neagh which are not properly marked or nets found during the weekend closure period, that they have not been notified of.** \*EEL FISHING REGULATIONS (NI) 2010: (Regulation 3 prohibits eel fishing with the exception of the following);

Exception to prohibition: long lines and draft nets

4— Subject to paragraph (2), regulation 3 does not apply to the use of any long line or draft net in Lough Neagh upstream of the drainage flood gates at Toomebridge.

* 1. \*\*A person shall not use on any long line a hook the shank of which is less than 23 millimetres in length and the gape of which, that is to say, the distance between the point and the shank, is less than 7.75 millimetres.
	2. Exception to prohibition: eel weirs

Regulation 3 does not apply to the use of any fishing engine which is erected or hung in the existing eel weir at –

* + 1. Toome;
		2. Upper Row, Portna; or
		3. Lower Row, Portna.

**NB As can be seen from the above the use of Fyke nets is not permitted**

**USE OF A DRAFT NET**

**- is defined in the Fisheries Regulations 2014 as the following:**

**- “draft net” means a net consisting of a single sheet or wall of netting loosely hung on ground and head ropes with the outer ends or wings leading to a funnel and a bag or tail into which the catch is drafted or hauled;**

**- Regulation 29. The mesh of the wings of any draft net for use in fresh water for the taking of freshwater fish shall be of a size not less than 21 millimetres from knot to knot or 84 millimetres to be measured all round each mesh and the mesh of the tail of such draft net (which tail shall not exceed 2.5 metres in length) shall be of a size not less than 6 millimetres from knot to knot or 24 millimetres to be measured all round each mesh.**

**Note that it is also unlawful to have in your possession, on or near water, nets that are unlawful - Fisheries Act 1966 87 (1) - It shall not be lawful for any person to have in his possession or control in any waters or on or near the banks of any waters any fishing engine or lure or bait, if the use of that engine, lure or bait in those waters for the purpose of taking fish is unlawful.**

**USE OF A MONOFILAMENT NETS**

**• The use of monofilament net is illegal A person shall not use for the purpose of taking or with intent to take freshwater fish, any net made from synthetic fibres (except a landing net used solely as an auxiliary to lawful angling) which contains any material not constructed of either two or more multifilament yarns twisted and plied together or three or more multifilament yarns braided together. Regulation 26.**

**USE OF A BAIT NET**

- is defined in the **Fisheries Regulations 2014** as the following:

"bait net" means a net with a single wall of netting loosely hung on ground and head ropes with the outer ends or wings leading to a bag or tail into which the catch is drafted or hauled and used for the purpose of taking coarse fish for use as bait;

* **A bait net** shall not exceed 50 meters in length and shall have a mesh of not more than 6.5 millimetres from knot to knot or 26 millimetre’s to be measured all round each mesh. **Regulation 27.**
* **A bait net** shall not be used for catching salmon, trout or rainbow trout, and any such fish caught or taken in a bait net shall, without avoidable injury, be returned immediately to the water from which it was taken. **Regulation 28**
* **A bait net** shall only be issued to holders of an Eel long line licence.
* **All fish caught within a bait net or any net are subject to the minimum size requirement**

**NOTE - Given the issues with the use of a bait net on Lough Neagh - the use of a net other than specified above, trawling with a bait net or the retention of undersize fish for baiting lines can only be authorised under a Section 14. All conditions of the Section 14 must be fully complied with and anyone contravening these conditions will have their name removed from it. If your name is removed from the Section 14 you can only use a bait net as specified in the legislation above and anyone found in breach of this legislation may be subject to enforcement action including prosecution.**

**MARKING OF NETS**

* **Section 32 and 33 Fisheries Regulations (NI) 2014. States all nets: Each net or row of nets of a single wall set net or trammel net used for the taking of trout in Lough Neagh and each net or row of nets of a single wall set net or trammel net used for the taking of coarse fish, on Lough Neagh or Upper and Lower Lough Erne, shall be marked at each end with a float not less than 30 centimetres in diameter of a bright yellow colour projecting not less than 30 centimetres above the surface of the water. Each float shall have clearly and legibly painted or otherwise fixed thereon in figures of not less than 12 centimetres in height such number as the Department may allocate to the license-holder (or such number as the Department may allocate to the net or row of nets of which the float shall be a mark) and at all times when the net or row of nets is in use such number shall be clearly legible.**
* **PLEASE NOTE: there have been ongoing issues with the marking of nets on Lough Neagh, therefore the Department will be strictly enforcing the marking of nets. Having had discussions with licensed commercial Lough Neagh fishermen, the Department has agreed that markers can also be a “five litre container” type with the following minimum measurements height 282mm x width 185mm but with the same requirements regarding colour and markings as stipulated under section 32 and 33 of the Fisheries Regulations (NI) 2014. Thus all markers should be yellow in colour and with the DAERA Licence number written on it. Any previous advice issued by the Department regarding other type of float markers being acceptable should therefore be disregarded as this will now be strictly enforced. Any nets not marked as required maybe regarded as illegal and seized and enforcement action may be taken against the owners which could include prosecution.**

**Fisheries Regulations (Northern Ireland) 2014**

 **“64.**—(1) Subject to paragraph (2), a person shall not, on Lough Neagh —

1. take any coarse fish except pollen with a fishing engine, other than rod and line, during the period beginning on 1st March in any year and ending on 31st May in the same year, both dates inclusive; or
2. take any coarse fish with a fishing engine, other than rod and line during the period commencing at 6 o’clock a.m. on any Saturday and ending 6 o’clock a.m. on the next following Monday.

(2) Paragraph (1) (a) shall not apply to the taking of coarse fish by means of a bait net by the holder of a licence for a long line for the taking of eels where such fish are for use solely as bait.”

 **“12.** — All fishing licences issued under these regulations (other than fishing licences for angling) shall be valid only when used by the licence-holder or their agent previously authorised in writing by them.

 **“35.**— The maximum length of a single wall set net or trammel net used for the taking of trout on Lough Neagh which may be used at any time by any one licence-holder shall be 1235 metres (1350 yards) of net as hung whether used as one or more nets.

**FISH CAUGHT WHICH ARE SUBJECT TO A CLOSED PERIOD (BY CATCH) OR ARE UNDERSIZE**

**By Catches.** There is no provision in the legislation to allow for by catch. However the Department would advise the following:

* In all circumstances priority should be given to releasing any trout back immediately into the water from the net if it is the closed season, they are undersize or you do not have a trout licence.
* In all circumstances priority should be given to releasing salmon immediately back into the water from the net as they cannot legally be taken.
* Subject to the bullet points above, a boat carrying fish in a net on the water will be deemed compliant. However once those fish are sorted into boxes on a boat or fish is taken ashore in any manner they are deemed landed and therefore subject to the rules re closed season, minimum sizes, licences etc. Fishermen should however take steps to release other coarse species that cannot be legally taken back into the water, as soon as possible as some will survive. NB this does not apply to the weekend closure period where no fishing is allowed.

**USE OF NETS NEAR THE MOUTHS OF RIVERSN.I.**

* A person shall not use a draft net for the taking of fish within a radius of 805 metres of the defined mouth of any river flowing into Lough Neagh. **Regulation 36**
* A person shall not use any net for the taking of salmon or freshwater fish in Toome Bay within 1,610 metres of the drainage flood gates at Toomebridge. **Regulation 37**
* If any person (other than the owner of a several fishery within the limits thereof) shoots, draws or uses any net for taking salmon—

(a) at the mouth of any river; or

(b) within 805 metres in any direction from the mouth of any river, they shall be guilty of an offence.

**MARKING OF FISHING BOATS**

**Names of owners to be painted on fishing boats (1966 Fisheries Act Section 163)**

* (1)Every boat used for fishing will have the name of the owner, or one of the owners where there is more than one owner of the boat, and his place of residence painted in a clearly visible area on the boat and in letters of not less than 5 centimetre’s in length.
* (2)If, in respect of any boat to which this section applies the provisions of subsection (1) are not complied with, the owner of the boat or any person using it shall be guilty of an offence

**A fishing boat will be deemed to have met the legislation requirements if they display their DAERA licence number in accordance with the following on the exterior of the boat on the starboard side (right hand side), using large black text (8” x ¾” wide) within a 12” x 12” white box. The licence marking must be visible when the boat is in the water i.e. above the water line when the boat is weighted. Failure to display the number or owner’s name and address will result in enforcement action being taken.**

**POWERS OF A FISHERY PROTECTION OFFICER (AUTHORISED OFFICER**

**Details of some of the powers granted under the 1966 Fisheries Act are shown below, but in general authorise an officer to board a fishing vessel and inspect any catch or fishing equipment used or about to be used and to search the boat if required. These inspections should be facilitated by the fishermen on board as a failure to do would be a breach of fisheries legislation as outlined in the 1966 Fisheries Act Section 174 (2).**

**Fishermen should also be aware that it is an offence to assault or to obstruct or impede a Fishery Protection officer carrying out their duties as outlined in 1966 Fisheries Act Section 182 & 183.**

**1966 FISHERIES ACT SECTION 174 - BOARDING AND EXAMINATION OF FISHING BOATS.**

**N.I.**

(1) Any authorised person to whom this section applies may do, with respect to any boat which is or has been employed in fishing, all or any of the following things—

(a) board the boat;

(b) require the attendance of the master and of any other persons who are or have been on board the boat and require all such persons to do anything which appears to him to be necessary for facilitating the performance of his functions;

(c) examine the certificate of registration or other official papers and the fishing engines of the boat (including any fishing gear appurtenant to or used in association with any such engine), and ascertain whether the provisions of this Act or any instrument made there under have been complied with and whether the master and other persons are or have been carrying on fishing in contravention of any statutory provision;

(d) seize any unlawful fishing engine or any lawful fishing engine which is being, or is reasonably suspected of having been, unlawfully used and any fishing gear appurtenant to or used in association with any such engine.

(1A) Any authorised person to whom this section applies may, for the purpose of enforcing regulations made under section 124, do all or any of the following things with respect to any vehicle or equipment which is or has been employed in fishing -

(a) enter in or on the vehicle or equipment;

(b) require the attendance of the person in charge of, and any other persons in or on or using, the vehicle or equipment and require all such persons to do anything which appears to him to be necessary for facilitating the performance of his functions;

(c) in relation to any vehicle, examine—

(i) any fish in or on the vehicle;

(ii) any apparatus on the vehicle, including any fishing engine and any fishing gear used in association with any such engine;

(iii) any document relating to the vehicle;

(d) in relation to any equipment, examine that equipment and any fish in or on the equipment;

(e) seize -

(i) any vehicle or equipment which is being, or is reasonably suspected of having been, used in the commission of an offence under any regulation made under section 124;

(ii) any fish in respect of which an offence is being, or is reasonably suspected of having been, committed under any regulation made under section 124.

(2)This section applies to the following authorised persons, that is to say—

(a) a member of the PSNI;

(b) an officer appointed by the Department; (c) a person to whom section 166 applies.

**1966 FISHERIES ACT SECTION 178 – POWERS OF INSPECTION, EXAMINATION AND DETENTION.**

**N.I.**

(1) Every person (in this section referred to as an “authorised officer”) being an officer of the Department authorised by the Department to exercise the powers conferred by this section, or a member of the PSNI is hereby authorised to do all or any of the following things—

(a) to stop and search any person, conveying or suspected of conveying fish of any kind, or any instrument, poison, explosive or thing used or adapted for taking fish unlawfully and to (examine) any fish, instrument or substance which that person is found to be conveying, and for that purpose to open and search any vehicle or package in which any fish, instrument or substance is or is suspected of being conveyed;

(b) at all reasonable times to enter upon and have free access to the interior ofand, where he suspects that an offence under any provision of the Act is being, or has been, committed, to carry out a search of**.**

(i) any premises in which fish is or is believed to be sold, or kept or exposed for sale or stored; or

(ii) any premises in which any instrument or substance intended for the destruction of fish is or is believed to be kept; or

(iii) the premises of any person engaged in the business of carrying goods for reward; or

(iv) any aerodrome, pier, quay, wharf, jetty or dock or premises thereon; or

(v) any aircraft, boat, railway wagon, motor lorry, cart, or other vessel or vehicle of whatever kind used for the conveyance of goods; or

(vi) any hotel, guest house, restaurant or other premises or place at which board and lodging or meals are provided for reward;

(c) to examine all fish found in any place which he is authorised by this section to enter, and for that purpose to open any package found in such place and containing or suspected of containing fish;

(d) to stop, enter, and search, on any waters, or the banks thereof, any boat used or suspected of being used for fishing or containing or suspected of containing fish unlawfully captured, and to examine all fish and all fishing engines or fishing gear found therein, and for that purpose to open any package which contains or is suspected of containing any fish or fishing engine or fishing gear;

(e) to take, remove, and detain in his custody any fish (either together with or without any package in which the same may be contained) found in the course of the exercise of any of the powers conferred by this section in respect of which an offence under this Act is being or is suspected of being committed, or which have been or are suspected of having been unlawfully captured (or which are, or are believed to be, liable to forfeiture under this Act):

(f) to take, remove, and detain in his custody any fishing engine, boat, vehicle or thing liable or believed to be liable to forfeiture under this Act;

(g) to demand and take the name and address of the person having custody of any fish or other article which the authorised officer is authorised under this section to examine (to demand the age of such a person who is apparently under the age of 18) and also to demand and take from such person the name and address of the owner of such fish or other article.

 (h) to demand and take the name and address of any person who is fishing or whom he suspects to be about to fish or to have fished within the preceding half hour and to demand the age of such a person who is apparently under the age of 18.

(2)Where an authorised officer detains in his custody under the authority of this section any particular thing, he shall as soon as conveniently may be take such steps as may be proper to have the person guilty, or suspected to be guilty, of the offence committed or suspected to have been committed in relation to that thing dealt with according to law.

(3)A person who refuses or fails to give his own name and address to the satisfaction of the authorised officer or the name and address (so far as known to him) of any other person, when lawfully demanded under this section, shall be guilty of an offence and shall be liable on summary conviction -

(a) except in a case such as is mentioned in paragraph (b), to a fine not exceeding £1,000;

(4)This section shall not authorise entry into any premises which are used exclusively as a private dwelling.

(5)In this section “believed” and “suspected” mean respectively believed on reasonable grounds and suspected on reasonable grounds.

**Penalty for assaulting authorised person.N.I.**

**If any person assaults—**

**(a) any person exercising any power conferred by this Part; or**

**(b) any officer of the Department whilst doing anything authorised by any of the provisions of this Act specified in Schedule 6; or**

**(c) any authorised officer acting under section 112 or 120, or any officer acting under section 17 or 127;**

**they shall be guilty of an offence and shall be liable on summary conviction to a fine as imposed by the Courts on conviction or to imprisonment for a term as imposed by the courts on conviction or to both such fine and such imprisonment.**

**OBSTRUCTING OR IMPEDING AUTHORISED PERSON**

(1) If any person obstructs or impedes—

(a) any person exercising any power conferred by this Part; or

(b) any officer of the Department whilst doing anything authorised by any of the provisions of this Act specified in Schedule 6; or

(c) any authorised officer acting under section 112 or 120, or any officer acting under section 17 or 127;

they shall be guilty of an offence.