



Department of
**Culture, Arts
and Leisure**

www.dcalni.gov.uk

Inland Fisheries Group

**EXEMPTION PERMITS
ISSUED UNDER SECTIONS 54, 58 & 59 OF THE
FISHERIES ACT (NI) 1966**

APPLICATION FORM

Applications for an exemption permit under section 54, 58 and 59 of the Fisheries Act (Northern Ireland) 1966.

Please read these guidance notes first.

The Fisheries Act (Northern Ireland) 1966, as amended and Sections 54, 58 and 59, in particular, set out clearly the responsibility on water abstractors to protect fish.

Abstractors must comply with the provisions of the Act unless the Department has issued an exemption permit containing specific alternative measures for fish protection, relating to that site.

Enforcement of the provisions of the Act and conditions in exemption permits is undertaken by officers of the Fisheries Conservancy Board for Northern Ireland or the Loughs' Agency in the case of the Foyle or Carlingford areas.

Section 54 of the Act requires that fish passes, sufficient to permit the free passage of salmon, trout and eels shall be provided in any dam, which is constructed across a river. This also applies to dams, which have been rebuilt, reinstated or where the purpose to which the water supplied from the dam has been changed.

Exemption to this requirement can be issued if the Department is satisfied that, having regard to the nature of the dam or of the river or of the kinds of fish frequenting the river, it would be unnecessary or unreasonable to provide a fish pass. In practice, this will only relate to very low dams which are not considered to form a barrier to fish migration.

Most rivers in N.I. contain stocks of salmon, trout or eels and so any proposed abstractor must presume at the outset that he will be required to provide a fish pass and should make allowances for this.

The design of all fish passes must be approved by the Department and developers are advised to contact the Department at the outset in order to obtain advice.

Section 58 of the Act applies to every "mill" which derives its supply of water from a river. The term "mill" is interpreted in section 61 of the Act to include any factory, machine, building or other work by or for which water is taken or used for any purpose. The provisions of section 58 refer specifically to the closure of sluices during the weekend period or when the mill is not working. These provisions are generally outdated and may not be to the advantage of either the abstractor or the fish. It is derived historically from the fact that mills generally did not work at the weekend. It took no account of the fact that most fish migration takes place at certain times of the year and when flow conditions in the river are conducive. The closure of mill sluices for a twenty

four-hour period would not have affected the working of the mill and was carried out to allow some limited scope for fish migration.

Conditions contained in an abstraction licence issued by the Department of Environment under the water framework directive are much more effective in controlling abstraction and in protecting fish and fisheries habitat. **In issuing an exemption under this section of the Fisheries Act, reference will be made to the conditions contained within an abstraction licence.**

Section 59 of the Act requires the operator to provide and maintain gratings at the points where the watercourse diverges from and returns to the river, in order to prevent fish entering the mill. The dimensions of such gratings are detailed in the legislation. In addition, the entire surface of the grating must be covered with a wire lattice during certain periods, to prevent small fish from entering the watercourse.

Exemption permits

The law recognises that operators may encounter serious problems in complying strictly with the regulations outlined in these sections. In addition, strict compliance with the law, in certain circumstances, may potentially be damaging to fish. It is also impossible to frame legislation for the protection of migratory fish, which would suit every location. Accordingly, the Fisheries Act provides for the Department to grant exemption certificates where it is satisfied that acceptable and in many cases, superior alternative measures can be provided. In such cases the law permits the Department to issue an exemption permit containing such conditions as the Department considers will provide equal or better fish protection at the site. ***These permits will only be issued after consultation with the abstractor and the Fisheries Conservancy Board and directly adjacent fishery owners.***

Persons applying for an exemption permit should do so on the attached application form. The applicant should provide as much information as possible, if necessary attaching additional sheets so that the Department technical officer may be able to properly assess the application. In the first instance, the applicant should seek the advice of the local DCAL Fishery Officer and discuss on site the proposals to protect fish. A list of contact addresses is shown below.

The Department may change conditions contained within an exemption, if circumstances change or if the arrangements are found unsatisfactory in terms of fish protection.

Note: A copy of the Fisheries Act (NI) 1966 (reprint to 1969) as amended is available from the Stationary Office Belfast, or online at www.hmsso.gov.uk/legislation.

Local fishery officer contact addresses:

Department of Culture, Arts & Leisure

Inland Fisheries
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG
Tel: (028)90515116
Fax: (028)90823376
Email: dcalangling@dcalni.gov.uk

River Bush Salmon Station

Church Street
Bushmills
County Antrim
BT57 8QJ
Tel: (028) 2073 1435
Email: bush@dcalni.gov.uk

Fisheries Office

Innishkeen House
Kilyhevin
Enniskillen
County Fermanagh
BT74 4EJ
Tel: (028) 6634 3136

Fisheries Office

Castlewellan Forest Park
Castlewellan
Co.Down
BT31 9BU
Tel: (028) 4377 8937

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To request an alternative format, please contact:

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1.0 THE APPLICANT**2.0 THE AGENT**

Fields indicated with an asterisk(*)require completion

Only complete No 2.0 if you wish to nominate an agent we can contact about your application.

		Please tick if same as applicant	
Title:*		Title:*	
Forename:*		Forename:*	
Surname:*		Surname:*	
Address:*		Address:*	
Postcode:*		Postcode:*	
Phone:*		Phone:*	
Email:		Email:	
Company Name:			
Position:			
Sector:			

3.0 THE LOCATION OF ABSTRACTION

a) Abstraction Licence Number:

Date Abstraction Licence issued:

b) Proposed/Existing Abstraction(s)Point of Water (delete as appropriate)

Local Name/ Townland	Irish Grid Reference	Source	Use	Map label

c) Proposed/Existing Discharge(s) Point of Water (delete as appropriate)

Local Name/ Townland	Irish Grid Reference	Source	Use	Map label

4.0 DETAIL OF FISH PROTECTION MEASURES

Please give details of the protection measures and/or controls to be put in place

This form should be read in conjunction with the guidance notes provided.

Please provide clear plans and maps of your proposal for reference.

5.0 DECLARATION

Please note that the responsible person (including all partners of a Partnership) must sign the declaration themselves, even if an agent is acting on their behalf as the applicant contact. For applications from a company or other corporate body the individual(s) signing should be duly authorised to sign on behalf of the company or corporate body.

It is an offence to make a false statement when applying for a licence.

I declare to the best of my knowledge the statements made in the application form, including the map and accompanying sheets are true.

Signature:

First Name:

Surname:

Position:

Date:

FOR OFFICIAL USE ONLY

	DATE	COMMENTS/DETAILS
Application Received		
Application Inspected & Complete		
Abstraction Licence connected to application		
Application forwarded to Fishery Officer		
Initial Inspection Report Received		
Consultations sent		
Consultations Received		
Draft Exemption to Fishery Officer		
Exemption approved by Fishery Officer		
Exemption Signed and posted		
Copied to appropriate Bodies		
Database Updated		
Date for Review		
Final Inspection Completed		

