

# Inland Fisheries

Exemption Permits Issued Under Sections  
54, 58 & 59 of the Fisheries Act (NI) 1966

# Application Form

*Sustainability at the heart of a living, working, active landscape valued by everyone.*



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)



**INVESTORS  
IN PEOPLE**

## **Please read these guidance notes first.**

The Fisheries Act (Northern Ireland) 1966, as amended and Sections 54, 58 and 59 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 Department officers.

**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 they 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 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. 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 and impoundment Licence issued by the Department of Agriculture, Environment and Rural Affairs under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 are much more effective in controlling abstraction. 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. DAERA IF may consult with 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, including additional supporting details so that the Department will be able to fully assess the application. In the first instance, the applicant should seek the advice of the local DAERA Senior Fishery Officer and discuss on site the proposals to protect fish.

The Department takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information received from you is dealt with in a way which complies with the requirements of the General Data Protection Regulation (2016). This means that any personal information you supply will be processed principally for the purpose for which it has been provided. However, the Department is under a duty to protect the public funds it administers, and to this end may use the information you have provided for this purpose.

A full copy of the DAERA Privacy Statement can be found here:

[www.daera-ni.gov.uk/daeraprivacy-statement](http://www.daera-ni.gov.uk/daeraprivacy-statement)

Contact details are 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](http://www.hmsso.gov.uk/legislation)**

**Applications for an exemption permit under Section 54, 58 and 59 will be reviewed by DAERA Inland Fisheries Technical Advisory Group. Additional supporting information and site inspections may be required to assist with the assessment of applications. The Application will normally be considered within 6 weeks depending on the complexity of the application and if any site visits are required.**

**Contact Address:** Department of Agriculture, Environment and Rural Affairs  
Inland Fisheries, Clare House, 303 Airport  
Road West, Belfast, BT3 9ED

**Tel:** 0300 200 7860

**Email:** [IF.StatutoryPermissions@daera-ni.gov.uk](mailto:IF.StatutoryPermissions@daera-ni.gov.uk)

## 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: <input type="checkbox"/>	
Title:*		Title:*	
Forename:*		Forename:*	
Surname:*		Surname:*	
Address:*		Address:*	
Postcode:*		Postcode:*	
Phone:*		Phone:*	
Email:		Email:	
Company Name:		Company Name:	
Position:		Position:	
Sector:		Sector:	

## 3.0 Exemption Type

Please Select the Section(s) to which your Exemption Application Relates to:

Section 54	<input type="checkbox"/>	Section 58	<input type="checkbox"/>	Section 59	<input type="checkbox"/>
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## 4.0 The Location of Weir

Local Name/ Townland	Irish Grid Reference	River Name	Use of Weir

## 5.0 Abstraction Location

a) Abstraction Licence Number:

Date Abstraction Licence issued:

b) Proposed/Existing Abstraction(s) Point.

Local Name/ Townland	Irish Grid Reference	Source	Use	Map Label

c) Proposed/Existing Discharge(s) Point.

Local Name/ Townland	Irish Grid Reference	Source	Use	Map Label

## **6.0 Detail of Fish Protection Measures Section 54**

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.

## **7.0 Detail of Fish Protection Measures Section 58**

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.

## 8.0 Detail of Fish Protection Measures Section 59

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.

## 9.0 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.

<b>Signature:</b>	
<b>First Name:</b>	
<b>Surname:</b>	
<b>Position</b>	
<b>Date:</b>	