



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART V

REGULATION OF FISHING FOR SALMON, EELS AND FRESHWATER FISH

REGULATIONS AS TO FISHING WEIRS

81 Free gaps in fishing weirs.

(1) In every fishing weir (other than an eel weir with respect to which a licence granted by the Ministry under section 84 is for the time being in force) there shall be a free gap or opening in accordance with the following provisions:—

- (a) the free gap shall be situate in the deepest part of the stream;
- (b) the sides of the free gap shall be in line with and parallel to the direction of the stream at the weir;
- (c) the bottom of the free gap shall be level with the natural bed of the stream above and below the gap;
- (d) the width of the free gap at its narrowest part shall be not less than one-tenth part of the width of the stream:

Provided that it need not be wider than^[F1] 15.2 metres], and must not be narrower than^[F1] 91 centimetres];

- (e) no existing free gap in any fishing weir shall be reduced in width or a gap of less width substituted therefor or any alteration made therein so as to reduce the flow of water through the gap.
- (2) The requirements of subsection (1), in so far as they relate to the provision of a free gap in every fishing weir, shall, in the case of a fishing weir in which there was no free gap on 1st January, 1965, be deemed to be complied with if immediately adjoining the weir there then was and continues to be a navigation gap which conforms in form and dimensions to the requirements of that subsection, and all the provisions of this Act

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which apply to free gaps in fishing weirs (other than those which require the free gap to be in the weir) shall apply to any such navigation gap.

- (3) Where there is no free gap in a fishing weir or where a free gap has been made in a fishing weir but is not maintained in accordance with subsection (1), then, unless that fishing weir is an eel weir which is for the time being excepted from the application of subsection (1), the owner and the occupier of the fishing weir shall each be guilty of an offence ...^{F2}.
- (4) Where the provisions of subsection (1) have been contravened the Board or, failing the Board, the Ministry, may provide or restore a free gap and may recover from the owner or the occupier of the fishing weir any expenses reasonably incurred in executing the works undertaken for that purpose.

F1 SR 1983/100
F2 1981 NI 7

82 Offence of affecting flow of water through free gap by alteration of bed of river.

If any alteration is made in the bed of a river in such manner as to reduce the flow of water through the free gap in a fishing weir, the person making the alteration shall be guilty of an offence ...^{F3}.

F3 1981 NI 7

83 Fishing in or near or obstructing free gaps.

- (1) Subject to subsection (4), if any person—
- (a) uses any fishing engine in a free gap in a fishing weir; or
 - (b) uses any fishing engine (not being a rod and line) within^{F4} 45.5 metres] above or below any part of a fishing weir or the free gap in a fishing weir; or
 - (c) places any obstruction in a free gap; or
 - (d) uses any contrivance or does any act whereby fish may be scared, deterred or in any way prevented from freely entering and passing up and down a free gap at all times; or
 - (e) places any thing whatsoever in, over or across a free gap in a fishing weir, except a temporary bridge or board during the time only when the persons engaged in the fishing of that weir are passing over the free gap; or
 - (f) in any manner prevents the free and uninterrupted passage of fish through the free gap at any time; or
 - (g) authorises or instructs or permits any other person to do any of the acts referred to in the foregoing paragraphs;
- he shall be guilty of an offence.
- (2) Where the owner or occupier of a fishing weir is charged under subsection (1) with the offence of placing an obstruction in the free gap in that weir, and it is proved that the obstruction was placed in the free gap, it shall be presumed, until the contrary is shown, that the obstruction was placed in the free gap by him.
- (3) Where a person is convicted of an offence under this section in respect of an obstruction in the free gap of a fishing weir, the Board or, failing the Board, the

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Ministry, may cause the obstruction to be removed and may recover from that person any expenses reasonably incurred in so doing.

- (4) Where a licence granted by the Ministry under section 84 with respect to an eel weir is for the time being in force, this section shall not operate to penalise any act or thing authorised by the licence.

F4 1991 NI 13

84 Operation of eel weir without free gap.

- (1) The Ministry may by licence authorise the operation of a specified eel weir without a free gap, subject to such conditions as may be contained in the licence.
- (2) The Ministry may revoke, or may vary the conditions contained in, a licence granted under this section, where the Ministry is satisfied that such revocation or variation is expedient in the interests of the eel fisheries.
- (3) When the Ministry proposes to revoke a licence, or to vary any conditions, under subsection (2), otherwise than on the application of the holder of the licence, the Ministry shall—
- (a) give to the holder of the licence at least twenty-eight days' prior notice of its intention to do so; and
 - (b) state in the notice given under paragraph (a) the specific variation, if any, under consideration and the grounds upon which the revocation or variation is proposed to be made,
- and shall consider any representations in relation to the revocation or variation made by the holder before the expiration of the notice.
- (4) Without prejudice to subsection (2), a licence granted under this section may be suspended or revoked in accordance with the provisions of Schedule 1.

85 Rules as to boxes in salmon weirs.

- (1) The following rules shall be observed in relation to the construction and use of boxes in salmon weirs:—
- (a) the surface of the floor of the box shall be level with the natural bed of the river;
 - (b) the inscales and the heck of the box shall be capable of being removed and opened up;
 - (c) the bars of the heck of the box shall be placed perpendicularly;
 - (d) the inscales and the heck of the box shall be so constructed that no bar or part of a bar is nearer to any other bar or part of a bar than such distance as may be prescribed by byelaws, or if no distance is prescribed, a distance of ^{F5} 5.1 centimetres];
 - (e) the box shall not be built over or in any other manner hidden from public inspection.
- (2) If any person constructs or uses any box in a salmon weir in contravention of subsection (1), he shall be guilty of an offence ... ^{F6}.

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- (3) If any box in a salmon weir is constructed in contravention of this section, the Board or, failing the Board, the Ministry may cause the parts of that box which do not comply with the requirements of this section to be removed, and may recover from the occupier of the weir any expenses reasonably incurred in so doing.

F5 SR 1983/100

F6 1981 NI 7

86 Construction of guiding walls appurtenant to salmon weirs.

- (1) There shall not be attached to a salmon weir in a river any guiding wall of greater length than—
- (a) [^{F7}6 metres]; or
 - (b) such length, being less than [^{F7} 6 metres], as the Ministry may by order appoint with respect to a salmon weir specified in the order,
- that length being measured, in either case, from the upstream or downstream face of the weir along the centre line of the guiding wall.
- (2) There shall not be attached to any salmon weir any guiding wall which has the effect of narrowing up or preventing the ingress or discharge of water through or from the free gap in the weir.
- (3) If any salmon weir has a guiding wall in contravention of subsection (1) or (2), the following provisions shall have effect:—
- (a) the occupier of the weir shall be guilty of an offence ...^{F8}; and
 - (b) the Board or, failing the Board, the Ministry may cause the guiding wall to be altered or removed, and may recover from the occupier of the weir any expenses reasonably incurred in so doing.
- (4) If the occupier of a salmon weir in a river makes such use of any island or natural obstruction in the river as secures to him the advantage he would have obtained by attaching to the weir a guiding wall contravening subsection (1), he shall be guilty of an offence ...^{F8}.
- (5) In this section, the expression “guiding wall” means any spur or tail wall, leader or outrigger, but does not include the main wall of the salmon weir that connects the boxes of the weir with the bank of the river.

F7 SR 1983/100

F8 1981 NI 7

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