



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART V

REGULATION OF FISHING FOR SALMON, EELS AND FRESHWATER FISH

OTHER PROVISIONS

87 Restriction on possession of unlawful fishing engines, etc.

- (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.
- (2) Any person who has in his possession or control any fishing engine or lure or bait in contravention of this section shall be guilty of an offence.
- (3) Where a person is charged with an offence under subsection (2) in relation to the possession or control of a net and it is proved that he was found in possession or control of the net in or in the vicinity of the freshwater portion of a river or any lake, it shall be presumed that he had the possession or control of the net with intent to use it in the freshwater portion of the river or in the lake in contravention of section 71(1) unless and until he satisfies the court that at the time the offence is alleged to have been committed—
 - (a) he intended and was entitled to use the net in one of the manners specified in section 71(2); or
 - (b) if he was found in possession or control of the net in the vicinity of the boundary between the tidal and freshwater portions of a river, that he intended and was entitled to use the net in the tidal portion of the river or in the sea;and also proves, in either case, that he was the holder of a fishing licence, if such is required by or under this Act, for the net.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966. (See end of Document for details)

88 Taking salmon or trout unlawfully killed or found dead.

- (1) A person who by any means removes or causes to be removed from any waters—
- (a) any salmon or trout which has been injured or killed otherwise than by lawful means; or
 - (b) any salmon or trout which has been found dead, from any cause whatever, by that person;
- shall be guilty of an offence.
- (2) Subsection (1) shall not apply to any of the following persons—
- (a) any person acting under the authority of the Ministry; or
 - (b) ^{F1}
 - (c) any owner of a fishery in those waters; or
 - (d) any agent of the owner of a fishery in those waters; or
 - (e) any member of the Royal Ulster Constabulary; or
 - (f) [^{F2} any person acting under the authority of a district council]. [^{F3} or]
 - [^{F3}(g) any private water bailiff appointed to protect those waters.]
- (3) Where a person is charged with an offence under this section in respect of any fish it shall be a good defence to prove that he removed the fish from any waters, or caused it to be so removed, solely for the purpose of delivering it to a person designated in any of paragraphs (a) to (f) of subsection (2), and that he did so deliver it before being required to do so by any such person.

F1 S. 88(2)(b) repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(23), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)** (e)

F2 SRO (NI) 1973/343

F3 1991 NI 13

Changes to legislation:

There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966.