



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART VI

TIMES OF FISHING FOR SALMON, TROUT, POLLEN AND EELS

ANNUAL CLOSE SEASON FOR SALMON AND TROUT CAUGHT OTHERWISE THAN BY ROD AND LINE

89 Annual close season for salmon and trout.

In this Act the expression “the annual close season for salmon and trout” means, in relation to any locality, the period during which it is declared by [^{F1}regulations] for the time being in force and applicable to that locality to be unlawful to fish for, take or kill salmon or trout with a fishing engine other than rod and line.

Annotations:

F1 S. 89: word in Act substituted (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 3), ss. 1(3)(b), 7(1), [Sch. 1 Pt. 2 para. 3\(1\)\(c\)](#) (with [Sch. 1 Pt. 1 para. 4\(3\)](#)); S.R. 2009/172, [art. 2\(a\)\(b\)](#)

90 Penalties for fishing otherwise than by rod and line for salmon or trout during the annual close season for salmon and trout.

(1) If any person fishes for, takes or wilfully kills salmon or trout during the annual close season for salmon and trout, he shall be guilty of an offence and shall be liable on summary conviction to [^{F2} a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment, and shall in addition be liable to a further fine not exceeding £50 for every salmon and £10 for every trout taken or so killed by him].

(2) This section shall not apply to—

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- (a) the fishing for or taking of salmon or trout by rod and line, or the killing of salmon or trout so taken; or
- (b) the fishing for, taking or killing of salmon or trout in any fish farm with respect to which a fish culture licence under section 11 is for the time being in force, in accordance with the terms of the licence.

Annotations:

F2 [1981 NI 7](#)

91 Provisions to be observed in relation to fixed engines during the annual close season for salmon and trout

- (1) During the annual close season for salmon and trout every net, leader or other moveable part of a fixed engine used for the taking of salmon or trout shall be removed from the poles or fixtures to which it is attached and shall be taken from thence.
- (2) If in respect of any fixed engine there is a contravention of the provisions of subsection (1), the occupier of the fixed engine shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F3} £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (3) Nothing in this section shall be construed as rendering liable to any penalty a person who satisfies the court that he was prevented by floods, storm or stress of weather from complying with subsection (1) during the continuance of that prevention.

Annotations:

F3 [1981 NI 7](#)

92 Dismantlement of salmon weirs during the annual close season for salmon and trout.

- (1) Within thirty-six hours of the commencement of the annual close season for salmon and trout, all the moveable parts of a salmon weir shall be removed from the weir and shall be taken from thence.
- (2) The moveable parts of a salmon weir shall not be placed in or on that weir earlier than thirty-six hours before the expiration of the annual close season.
- (3) During the annual close season (except the first and the last thirty-six hours thereof) the moveable parts of a salmon weir shall not be allowed to remain in or on that weir.
- (4) If in respect of any salmon weir there is a contravention of the provisions of subsection (1), (2) or (3) the occupier of the weir shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F4} £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (5) Nothing in subsection (4) shall be construed as rendering liable to any penalty an occupier of a salmon weir who satisfies the court that he was prevented by floods, storm or stress of weather from complying with subsection (1) during the continuance of that prevention.
- (6) Where the occupier of a salmon weir is convicted of an offence under this section, ^{F5} . . . the Ministry, may cause to be removed from the salmon weir the moveable parts

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in respect of which the offence was committed and may recover from the occupier any expenses reasonably incurred in so doing.

- (7) In this section the expression “moveable parts” means, in relation to a salmon weir, the inscales and heck of every box in the salmon weir and all other fittings and articles used in connection with those boxes which are capable of removal.

Annotations:

- F4** 1981 NI 7
F5 Words in s. 92(6) repealed (1.6.2009) by virtue of [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(24), [Sch. 3](#) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, [art. 2\(b\)\(e\)](#)

93 Removal of nets from banks, etc., of waters during the annual close season for salmon and trout.

- (1) All nets used for taking salmon or trout shall be removed from the banks of any waters and from the vicinity thereof during the annual close season for salmon and trout.
- (2) If subsection (1) is not complied with in regard to any net, the owner of, or the person who used, that net shall be guilty of an offence.

94 Use of nets in inland waters during the annual close season for salmon and trout.

- (1) Subject to subsection (2), if any person, during the annual close season for salmon and trout, does, in the freshwater portion of any river or lake, any of the following things—
- (a) places, affixes or attaches any net to any stake, bridge, sluice or lock gates of a canal or other such fixed erection; or
 - (b) lays, draws or fishes with any net whatsoever;
- he shall be guilty of an offence.
- (2) This section shall not apply to—
- (a) the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line;
 - (b) the lawful use of a net for the taking of eels; or
 - (c) the lawful use, in accordance with [^{F6}regulations] , of nets for the taking of fish other than salmon, trout or eels.

Annotations:

- F6** S. 94(2)(c): word in Act substituted (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 7(1), [Sch. 1 Pt. 2 para. 3\(1\)\(c\)](#) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, [art. 2\(a\)\(b\)](#)

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