



# Fisheries Act (Northern Ireland) 1966

## 1966 CHAPTER 17

### PART XI

#### AUTHORISED PERSONS

##### PROVISIONS WITH RESPECT TO PARTICULAR CLASSES OF AUTHORISED PERSONS

#### **170 Appointment, etc., of private water bailiffs.**

- (1) Any of the following persons, namely,
- (a) any person who by virtue of any fishing rights in any lake or river has an interest in the preservation of the fish therein; or
  - (b) any persons who have united themselves into a society for the preservation of any fishery in any lake or river; or
  - (c) the owner of any salmon fishery on the sea coast [<sup>F1</sup>; or
  - (d) the licensee under a shell-fish fishery licence; or
  - (e) any licensees under such licences who have united themselves into a society for the protection of their shell-fish fisheries;]

may by instrument in writing in the form set out in Schedule 5 appoint any person (other than a person disqualified under subsection (7)) to be a private water bailiff for the protection of the fisheries in any such lake or river or the tributaries thereof, or on such part of the sea coast [<sup>F1</sup> or for the protection of that shell-fish fishery or those shell-fish fisheries.]

- (2) A person appointed to be a private water bailiff shall not act in that capacity until his appointment is confirmed by a court of summary jurisdiction <sup>F2</sup>....
- (3) A person making application under subsection (2) for confirmation of the appointment of a person as a private water bailiff shall, not less than fourteen days before the date of the hearing of the application, give notice in writing of the application to <sup>F3</sup>... <sup>F3</sup>[<sup>F4</sup>... the Department, and <sup>F3</sup>... ] [<sup>F1</sup> the Department] shall be entitled to appear before the court, be heard and adduce evidence on the hearing of the application, and may do so by [<sup>F5</sup> one of its officers] or by solicitor or counsel.

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*Changes to legislation:* There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 170. (See end of Document for details)

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- (4) The confirmation of the appointment of a person as a private water bailiff shall be effected by the resident magistrate endorsing the instrument of appointment.
- (5) Where a court of summary jurisdiction has confirmed the appointment of a person to act as a private water bailiff [<sup>F6</sup>a court of summary jurisdiction] upon complaint made to it, may revoke the appointment, and thereupon the appointment shall be terminated.
- [<sup>F4</sup>(5A) Where a person who has appointed a private water bailiff revokes that appointment, that person shall, within 14 days of the revocation, serve written notice thereof on the clerk of petty sessions <sup>F7</sup>....]
- [<sup>F4</sup>(6) Where—
- (a) the appointment of a person as a private water bailiff has been confirmed under subsection (4) or revoked under subsection (5), or
  - (b) notice of the revocation of such an appointment has been received under subsection (5A),
- the clerk of the court shall notify the Department <sup>F8</sup>. . . of such confirmation or revocation or, as the case may be, such notice, as soon as practicable.]
- (7) <sup>F9</sup>.....
- [<sup>F4</sup>(7A) Any person or society mentioned in paragraphs (a) to (e) of subsection (1) who employs any person to act as a private water bailiff shall, before 31st January in each year, make to [<sup>F10</sup>the Department] a return in such form and containing such information as may be prescribed by [<sup>F11</sup>regulations] .
- (7B) [<sup>F10</sup>The Department] shall maintain a register of the names and addresses of those who are entitled to act as private water bailiffs.
- (7C) <sup>F12</sup>.....]
- (8) If any person—
- (a) acts as a private water bailiff without having his appointment confirmed under subsection (4); or
  - (b) so acts after his appointment has been revoked either by a court under subsection (5) or by his employer; [<sup>F4</sup> or]
  - [<sup>F4</sup>(c) fails to serve written notice under subsection (5A) within the time specified in that subsection; or
  - (d) fails to make a return to [<sup>F10</sup>the Department] under subsection (7A) by the date specified in that subsection;]
- he shall be guilty of an offence [<sup>F13</sup> and shall be liable on summary conviction to a fine not exceeding £200].
- (9) The powers conferred by this Part on a private water bailiff shall be exercisable only for the protection of the fishery specified in his instrument of appointment.

**F1** 1981 NI 7

**F2** Words in s. 170(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 58(1)(a), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**F3** Words in s. 170(3) 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(30), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(b)(e)

**F4** 1991 NI 13

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**Changes to legislation:** There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 170. (See end of Document for details)

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- F5** 1981 NI 7
- F6** Words in s. 170(5) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 58(1)(b)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)
- F7** Words in s. 170(5A) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 58(1)(c), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F8** Words in s. 170(6) 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(31)(a), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**
- F9** S. 170(7) 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(31)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**
- F10** S. 170(7A)(7B)(8)(d): words 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)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**
- F11** S. 170(7A): 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)**
- F12** S. 170(7C) 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(31)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**
- F13** 1981 NI 7

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 170.