



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART XI

AUTHORISED PERSONS

POWERS

178^{F1} Powers of inspection, examination and detention.

- (1) Every person (in this section referred to as an “authorised officer”) being an officer of the Ministry authorised by the Ministry to exercise the powers conferred by this section, or a member of the Royal Ulster Constabulary^{F2} . . . , is hereby authorised to do all or any of the following things—
- (a) to stop and search any person, conveying or suspected of conveying fish of any kind, or any instrument, poison, explosive or thing used or adapted for taking fish unlawfully and to [^{F3} examine] any fish, instrument or substance which that person is found to be conveying, and for that purpose to open and search any vehicle or package in which any fish, instrument or substance is or is suspected of being conveyed;
 - (b) at all reasonable times to enter upon and have free access to the interior of^{F4} and, where he suspects that an offence under any provision of the Act is being, or has been, committed, to carry out a search of
 - (i) any premises in which fish is or is believed to be sold, or kept or exposed for sale or stored; or
 - (ii) any premises in which any instrument or substance intended for the destruction of fish is or is believed to be kept; or
 - (iii) the premises of any person engaged in the business of carrying goods for reward; or
 - (iv) any aerodrome, pier, quay, wharf, jetty or dock or premises thereon; or
 - (v) any aircraft, boat, railway wagon, motor lorry, cart, or other vessel or vehicle of whatever kind used for the conveyance of goods; or
 - (vi) any hotel, guest house, restaurant or other premises or place at which board and lodging or meals are provided for reward;

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 178. (See end of Document for details)

- (c) to examine all fish found in any place which he is authorised by this section to enter, and for that purpose to open any package found in such place and containing or suspected of containing fish;
 - (d) to stop, enter, and search, on any waters, or the banks thereof, any boat used or suspected of being used for fishing or containing or suspected of containing fish unlawfully captured, and to examine all fish and all fishing engines or fishing gear found therein, and for that purpose to open any package which contains or is suspected of containing any fish or fishing engine or fishing gear;
 - (e) to take, remove, and detain in his custody any fish (either together with or without any package in which the same may be contained) found in the course of the exercise of any of the powers conferred by this section in respect of which an offence under this Act is being or is suspected of being committed, or which have been or are suspected of having been unlawfully captured [^{F5} or which are, or are believed to be, liable to forfeiture under this Act];
 - (f) to take, remove, and detain in his custody any fishing engine, boat, vehicle or thing liable or believed to be liable to forfeiture under this Act;
 - (g) to demand and take the name and address of the person having custody of any fish or other article which the authorised officer is authorised under this section to examine [^{F4}, to demand the age of such a person who is apparently under the age of 18], and also to demand and take from such person the name and address of the owner of such fish or other article.
 - [^{F4}(h) to demand and take the name and address of any person who is fishing or whom he suspects to be about to fish or to have fished within the preceding half hour and to demand the age of such a person who is apparently under the age of 18.]
- (2) Where an authorised officer detains in his custody under the authority of this section any particular thing, he shall as soon as conveniently may be take such steps as may be proper to have the person guilty, or suspected to be guilty, of the offence committed or suspected to have been committed in relation to that thing dealt with according to law.
- (3) A person who refuses or fails to give his own name and address [^{F4} to the satisfaction of the authorised officer] or the name and address (so far as known to him) of any other person, when lawfully demanded under this section, shall be guilty of an offence [^{F6} and shall be liable on summary conviction—
- (a) except in a case such as is mentioned in paragraph (b), to a fine not exceeding £1,000;
 - (b) where the person charged with the offence satisfies the court that any fish in connection with which the offence was committed were sea-fish taken only by rod and line or that any other article in connection with which the offence was committed was used, or (having regard to the circumstances of the offence) was capable of being used, only in connection with fishing for sea-fish by rod and line, to a fine not exceeding £200].
- (4) This section shall not authorise entry into any premises which are used exclusively as a private dwelling.
- (5) In this section “believed” and “suspected” mean respectively believed on reasonable grounds and suspected on reasonable grounds.

Annotations:

F1 Mod., 1967 c.7 (NI)

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 178 . (See end of Document for details)

- F2** Words in s. 178(1) 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(33), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**
- F3** 1968 c.31 (NI)
- F4** 1991 NI 13
- F5** 1968 c.31 (NI)
- F6** 1981 NI 7

Changes to legislation:

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