



# Fisheries Act (Northern Ireland) 1966

## 1966 CHAPTER 17

### PART XII

#### SUPPLEMENTAL PROVISIONS

##### FORFEITURES

#### <sup>F1</sup>197 **Power of court to order forfeiture of vehicle.**

<sup>F2</sup>

- (1) Where a person is convicted of an offence under any provision of this Act, application may be made, by notice under<sup>F3</sup> Part VII of the Magistrates' Courts (Northern Ireland) Order 1981], to a court of summary jurisdiction<sup>F4</sup> ..., for an order that any vehicle used by him as an aid to the commission of the offence shall be forfeited.
- (2) An application under this section shall not be made—
  - (a) in any event, until the expiration of the period within which notice of an appeal against the conviction may be given or an application to have a case stated in connection therewith may be made, or
  - (b) where such a notice is given or application made, until the conviction is affirmed or, as the case may be, the appeal is abandoned or dismissed or the application to have a case stated is finally disposed of,but, subject to the foregoing provisions of this subsection, shall be made as soon as may be after the conviction in question.
- (3) A court shall not make an order under this section for the forfeiture of a vehicle unless, not less than fourteen days before the date of the hearing, the notice under<sup>F3</sup> Part VII of the said Order of 1981] has been served by the applicant—
  - (a) on the person convicted, and
  - (b) on any person, other than the person convicted, who appears to the applicant to have an interest in the vehicle.
- (4) Without prejudice to subsection (3) of this section or to<sup>F3</sup> paragraph (4) of Article 76 of the said Order of 1981], on an application by notice under this section the court

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*Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 197. (See end of Document for details)*

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may direct that the notice be published by the applicant in such manner as the court thinks fit.

- (5) Any person on whom a notice is served under subsection (3), and any other person claiming to have an interest in the vehicle, shall be entitled to appear and be heard and adduce evidence on the hearing of the application.
- (6) Notwithstanding any limitations imposed by<sup>F3</sup> Article 163 of the said Order of 1981], in any proceedings in consequence of an application under this section the court may make such order as to the costs of the application and the proceedings, and the extent to which they are to be paid by any party thereto, as it thinks fit.]

**F1** 1968 c.31 (NI)

**F2** Mod., 1967 c.7 (NI)

**F3** 1981 NI 26

**F4** Words in s. 197(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 58(4), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 197 .