



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART XII

SUPPLEMENTAL PROVISIONS

FORFEITURES

199^{F1} Appeal from refusal of Ministry to annul forfeiture in certain cases.

- (1) Without prejudice to any right of appeal from a determination or order of a court of summary jurisdiction, where any thing is forfeited under this Act, a person who claims to be entitled to possession of that thing and who is aggrieved by a refusal of the Ministry to return it to him under section 198(1) may, upon giving to the Ministry^{F2} . . . , within fourteen days from—

- ^{F3}(a) the date of the conviction or court order by virtue of which that thing was forfeited [^{F3}, or
(b) the date of service on him of any notice which is served as mentioned in subsection (1A) of section 198 or, where no such notice is served on him, the date (or the last date, if more than one) of the publication of any notice such as is mentioned in paragraph (b) of that subsection, whichever is the later,]

notice in writing of his appeal under this section specifying the proceedings in consequence of which the forfeiture was incurred and giving particulars of that thing sufficient to identify it, within twenty-eight days from that date appeal to the county court on the ground that—

- ^{F4}(i) the use of that thing in any manner referred to in section 180, [^{F5} 195 or 197] was without his knowledge, connivance or consent; or
^{F4}(ii) the contravention of this Act or of any statutory instrument made under this Act by reason of which the forfeiture was incurred was inadvertent or was of such a trivial or insignificant nature that the forfeiture should not be upheld.

- (2) On an appeal under this section, the Ministry^{F6} . . . shall be entitled to appear, be heard and adduce evidence before the court.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 199. (See end of Document for details)

(3) On an appeal under this section, the county court may, on being satisfied as to either of the grounds mentioned in subsection (1), annul the forfeiture and direct the return to the appellant of the thing forfeited.

^{F3}(4) A person shall not be entitled to appeal under this section against the refusal of the Ministry to return to him any thing that has been forfeited under this Act if that thing was forfeited by virtue of an order made by a court under section 180 or 197 and he gave notice of appeal under^{F7} Article 144 of the Magistrates' Courts (Northern Ireland) Order 1981] against that order or applied for a case stated under^{F7} Article 146 of that Order] in connection with it.]

F1 Mod., 1967 c.7 (NI)

F2 Words in s. 199(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(41)(a), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F3 1968 c.31 (NI)

F4 1968 c.31 (NI)

F5 1968 c.31 (NI)

F6 Words in s. 199(2) 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(41)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F7 1981 NI 26

Changes to legislation:

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