



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART V

REGULATION OF FISHING FOR SALMON, EELS AND FRESHWATER FISH

REGULATIONS AS TO FISHING WEIRS

83 Fishing in or near or obstructing free gaps.

- (1) Subject to subsection (4), if any person—
- (a) uses any fishing engine in a free gap in a fishing weir; or
 - (b) uses any fishing engine (not being a rod and line) within^{F1} 45.5 metres] above or below any part of a fishing weir or the free gap in a fishing weir; or
 - (c) places any obstruction in a free gap; or
 - (d) uses any contrivance or does any act whereby fish may be scared, deterred or in any way prevented from freely entering and passing up and down a free gap at all times; or
 - (e) places any thing whatsoever in, over or across a free gap in a fishing weir, except a temporary bridge or board during the time only when the persons engaged in the fishing of that weir are passing over the free gap; or
 - (f) in any manner prevents the free and uninterrupted passage of fish through the free gap at any time; or
 - (g) authorises or instructs or permits any other person to do any of the acts referred to in the foregoing paragraphs;

he shall be guilty of an offence.

- (2) Where the owner or occupier of a fishing weir is charged under subsection (1) with the offence of placing an obstruction in the free gap in that weir, and it is proved that the obstruction was placed in the free gap, it shall be presumed, until the contrary is shown, that the obstruction was placed in the free gap by him.
- (3) Where a person is convicted of an offence under this section in respect of an obstruction in the free gap of a fishing weir, ^{F2} . . . the Ministry, may cause the

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 83. (See end of Document for details)

obstruction to be removed and may recover from that person any expenses reasonably incurred in so doing.

- (4) Where a licence granted by the Ministry under section 84 with respect to an eel weir is for the time being in force, this section shall not operate to penalise any act or thing authorised by the licence.

Annotations:

F1 1991 NI 13

F2 Words in s. 83(3) repealed (1.6.2009) by virtue of [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(20), [Sch. 3](#) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, [art. 2\(b\)\(e\)](#)

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