



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART VI

TIMES OF FISHING FOR SALMON, TROUT, POLLEN AND EELS

ANNUAL CLOSE SEASON FOR SALMON AND TROUT CAUGHT OTHERWISE THAN BY ROD AND LINE

89 Annual close season for salmon and trout.

In this Act the expression “the annual close season for salmon and trout” means, in relation to any locality, the period during which it is declared by a byelaw for the time being in force and applicable to that locality to be unlawful to fish for, take or kill salmon or trout with a fishing engine other than rod and line.

90 Penalties for fishing otherwise than by rod and line for salmon or trout during the annual close season for salmon and trout.

- (1) If any person fishes for, takes or wilfully kills salmon or trout during the annual close season for salmon and trout, he shall be guilty of an offence and shall be liable on summary conviction to [^{F1} a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment, and shall in addition be liable to a further fine not exceeding £50 for every salmon and £10 for every trout taken or so killed by him].
- (2) This section shall not apply to—
 - (a) the fishing for or taking of salmon or trout by rod and line, or the killing of salmon or trout so taken; or
 - (b) the fishing for, taking or killing of salmon or trout in any fish farm with respect to which a fish culture licence under section 11 is for the time being in force, in accordance with the terms of the licence.

Status: Point in time view as at 01/01/2006.

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

F1 1981 NI 7

91 Provisions to be observed in relation to fixed engines during the annual close season for salmon and trout

- (1) During the annual close season for salmon and trout every net, leader or other moveable part of a fixed engine used for the taking of salmon or trout shall be removed from the poles or fixtures to which it is attached and shall be taken from thence.
- (2) If in respect of any fixed engine there is a contravention of the provisions of subsection (1), the occupier of the fixed engine shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F2} £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (3) Nothing in this section shall be construed as rendering liable to any penalty a person who satisfies the court that he was prevented by floods, storm or stress of weather from complying with subsection (1) during the continuance of that prevention.

F2 1981 NI 7

92 Dismantlement of salmon weirs during the annual close season for salmon and trout.

- (1) Within thirty-six hours of the commencement of the annual close season for salmon and trout, all the moveable parts of a salmon weir shall be removed from the weir and shall be taken from thence.
- (2) The moveable parts of a salmon weir shall not be placed in or on that weir earlier than thirty-six hours before the expiration of the annual close season.
- (3) During the annual close season (except the first and the last thirty-six hours thereof) the moveable parts of a salmon weir shall not be allowed to remain in or on that weir.
- (4) If in respect of any salmon weir there is a contravention of the provisions of subsection (1), (2) or (3) the occupier of the weir shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F3} £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (5) Nothing in subsection (4) shall be construed as rendering liable to any penalty an occupier of a salmon weir who satisfies the court that he was prevented by floods, storm or stress of weather from complying with subsection (1) during the continuance of that prevention.
- (6) Where the occupier of a salmon weir is convicted of an offence under this section, the Board, or, failing the Board, the Ministry, may cause to be removed from the salmon weir the moveable parts in respect of which the offence was committed and may recover from the occupier any expenses reasonably incurred in so doing.
- (7) In this section the expression “moveable parts” means, in relation to a salmon weir, the inscales and heck of every box in the salmon weir and all other fittings and articles used in connection with those boxes which are capable of removal.

Status: Point in time view as at 01/01/2006.

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

F3 1981 NI 7

93 Removal of nets from banks, etc., of waters during the annual close season for salmon and trout.

- (1) All nets used for taking salmon or trout shall be removed from the banks of any waters and from the vicinity thereof during the annual close season for salmon and trout.
- (2) If subsection (1) is not complied with in regard to any net, the owner of, or the person who used, that net shall be guilty of an offence.

94 Use of nets in inland waters during the annual close season for salmon and trout.

- (1) Subject to subsection (2), if any person, during the annual close season for salmon and trout, does, in the freshwater portion of any river or lake, any of the following things—
 - (a) places, affixes or attaches any net to any stake, bridge, sluice or lock gates of a canal or other such fixed erection; or
 - (b) lays, draws or fishes with any net whatsoever;he shall be guilty of an offence.
- (2) This section shall not apply to—
 - (a) the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line;
 - (b) the lawful use of a net for the taking of eels; or
 - (c) the lawful use, in accordance with byelaws, of nets for the taking of fish other than salmon, trout or eels.

ANNUAL CLOSE SEASON FOR ANGLING FOR SALMON
AND ANNUAL CLOSE SEASON FOR ANGLING FOR TROUT

95 Annual close season for angling for salmon and annual close season for angling for trout.

- (1) In this Act the expression “the annual close season for angling for salmon” means, in relation to any locality, the period during which it is declared by a byelaw for the time being in force and applicable to that locality to be unlawful to fish for or take salmon with rod and line, or, if no period is prescribed, the period from 31st October in any year to 31st January in the then next-following year.
- (2) In this Act the expression “the annual close season for angling for trout” means, in relation to any locality, the period during which it is declared by a byelaw for the time being in force and applicable to that locality to be unlawful to fish for or take trout with rod and line, or, if no period is prescribed, the period from 28th September in any year to the last day of February in the then next-following year.

Status: Point in time view as at 01/01/2006.

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

96 Angling for salmon or for trout during annual close season for angling for salmon or annual close season for angling for trout.

If during the annual close season for angling for salmon or the annual close season for angling for trout any person fishes for, takes or wilfully kills salmon or trout, as the case may be, with rod and line, he shall be guilty of an offence.

WEEKLY CLOSE TIME FOR SALMON AND TROUT
 CAUGHT OTHERWISE THAN BY ROD AND LINE

97 Weekly close time.

In this Act the expression “the weekly close time” means, in relation to any locality, the period prescribed by byelaw as such for that locality, or if no period is prescribed, the period commencing at 6 o'clock a.m. on each Saturday and ending at 6 o'clock a.m. on the then next-following Monday.

98 Penalty for fishing otherwise than by rod and line for salmon or trout during the weekly close time.

- (1) Subject to subsection (2), if, during the weekly close time, any person fishes for, takes or wilfully kills salmon or trout he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F4} £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (2) Subsection (1) shall not apply to the lawful use of a rod and line for the taking of salmon or trout otherwise than during the annual close season for angling for salmon or, as the case may be, the annual close season for angling for trout.

F4 1981 NI 7

99 Provisions to be observed in relation to certain fixed engines during the weekly close time.

- (1) During the weekly close time—
 - (a) the netting of the leader of every bag net used for catching salmon shall be raised and kept out of the water; and
 - (b) all other nets used as fixed engines for the taking of salmon or trout shall be wholly removed from the water.
- (2) If in respect of any bag net the provisions of subsection (1)(a), or if in respect of any other net to which subsection (1)(b) applies the provisions of subsection (1)(b), are not complied with, the occupier of that bag net or net shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F5} £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (3) Nothing in this section shall be construed as rendering liable to any penalty a person who satisfies the court that he was prevented by floods, storm, or stress of weather from complying with subsection (1) during the continuance of that prevention.

Status: Point in time view as at 01/01/2006.

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

F5 1981 NI 7

100 Provisions to be observed in relation to salmon weirs during the weekly close time.

- (1) During the weekly close time the inscales and heck of each box in a salmon weir shall be either removed or opened out in such a manner that a clear opening of not less than^[F6] 1.2 metres] in width is left open therein from the top to the bottom of the box and a free, direct and uninterrupted space of that width is effectually secured for the passage of all fish, both up and down, through the box.
- (2) If in respect of any salmon weir the provisions of subsection (1) are not complied with, the occupier thereof shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ^[F7] £500] in respect of each box in the weir the inscales and heck whereof are not removed or opened out as required by subsection (1).
- (3) Nothing in subsection (2) shall be construed as rendering liable to any penalty a person who satisfies the court that he was prevented by floods, storm or stress of weather from complying with subsection (1) during the continuance of that prevention.

F6 SR 1983/100

F7 1981 NI 7

101 Penalty for preventing fish from passing through boxes, etc., during the weekly close time.

If any person, during the weekly close time—

- (a) uses any means or contrivance to prevent the free passage of fish through any box or gap in a salmon weir or through any fixed engine; or
- (b) in any way or by any means wilfully frightens or scares or attempts to frighten or scare any fish from passing through such a box or gap or through the traps or eyes of a fixed engine;

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ^[F8] £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

F8 1981 NI 7

102 Scaring or obstructing free passage of salmon or trout during the weekly close time.

- (1) Without prejudice to section 101, if any person scares, impedes or obstructs the free passage of salmon or trout during the weekly close time, he shall be guilty of an offence.
- (2) This section shall not apply to any person who takes fish lawfully by rod and line during the weekly close time.

Status: Point in time view as at 01/01/2006.

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

103 Use of nets in inland waters during the weekly close time.

- (1) Subject to subsection (2), if any person, during the weekly close time, does, in the freshwater portion of any river or lake, any of the following things—
- (a) places, affixes or attaches any net to any stake, bridge, sluice, lock gate of a canal or other such fixed erection; or
 - (b) lays, draws or fishes with any net whatsoever;
- he shall be guilty of an offence.
- (2) This section shall not apply to—
- (a) the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line;
 - (b) the lawful use of a net for the taking of eels; or
 - (c) the lawful use, in accordance with byelaws, of nets for the taking of fish other than salmon, trout or eels.

OTHER RESTRICTIONS AS TO TIMES OF FISHING FOR SALMON AND TROUT

104 Restriction on use of salmon or trout nets during certain hours in freshwater portions of rivers.

- (1) Subject to subsection (3), it shall not be lawful for any person to use any net for the capture of salmon or trout in the freshwater portion of any river between the hours of eight o'clock in the evening and six o'clock in the morning.
- (2) If any person contravenes subsection (1) he shall be guilty of an offence.
- (3) This section shall not apply to the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line [F9 or in connection with the lawful operation of a fishing weir.]

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| F9 1968 c.31 (NI) |
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POLLEN

105 Annual close season for pollen.

In this Act, the expression “the annual close season for pollen” means, in relation to any locality, the period from 31st October in any year to 31st January in the then next-following year or such other period as may be declared by a byelaw for the time being in force and applicable to that locality to be a period during which it is unlawful to fish for, take or kill pollen.

106 Extension of sections 90 and 98 to pollen.

The provisions of section 90 and of section 98 shall apply to pollen in the same way as they apply to salmon and trout, with the substitution therein of references to pollen for references to salmon or trout, and of references to the annual close season for pollen

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for references to the annual close season for salmon and trout, and with the omission from section 98(2) of the words from “otherwise” to the end of the subsection.

EELS

107 Annual close season for eels.

In this Act the expression “the annual close season for eels” means in relation to any locality and for the purposes of the taking of eels by means of a fishing engine of any description, other than rod and line, the period during which it is declared by a regulation under section 15 for the time being in force and applicable to that locality to be unlawful to fish for or take eels by means of a fishing engine of that description, or if no period is so prescribed,—

- (a) in relation to the taking of eels by means of [^{F10} fishing engines which are erected or hung in fishing weirs or are] fixed engines (other than long lines), the period from 9th January in any year to 31st May in that year; and
- (b) in relation to the taking of eels by any means other than a fishing engine to which paragraph (a) applies (except by rod and line), the period from 9th January in any year to 30th April in that year.

F10 1968 c.31 (NI)

108 Prohibition of taking etc. eels, otherwise than by rod and line, during the annual close season.

- (1) Subject to subsection (2), and without prejudice to section 109, if any person—
 - (a) during the annual close season for eels taken otherwise than by means of a fishing engine to which section 107(a) applies, fishes for, takes or wilfully kills eels by any method whatsoever; or
 - (b) during the annual close season for eels taken by means of such a fishing engine, fishes for, takes or kills eels by means of such a fishing engine; or
 - (c) has in his possession during such period as may be prescribed by regulations, or, if no period is so prescribed, during the period from 31st March in any year to the then next-following 30th April, any eel other than an eel that he proves was captured elsewhere than in any part of Northern Ireland outside the Londonderry Area;

he shall be guilty of an offence and shall be liable on summary conviction [^{F11} to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.]

- (2) [^{F12} Paragraph (a)] of subsection (1) shall not apply to the fishing for or taking of eels by rod and line, or the killing of eels so taken, and paragraph (c) of that subsection shall not apply to a person who, having any eel in his possession during the period referred to therein, proves that the eel was caught by rod and line at a particular place by [^{F12} a person who was the holder of a fishing licence authorising him to angle for eels or who was exempted by byelaws made under section 37(f) from the requirement to hold such a licence] otherwise than during any period for the time being fixed by byelaws as a close season for angling for eels.

Status: Point in time view as at 01/01/2006.

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- (3) The Ministry may by order made subject to affirmative resolution provide that this section shall have effect as if the words in subsection (1)(c) from “other” onwards were omitted.

F11 1981 NI 7
F12 1968 c.31 (NI)

109 Placing fishing engines for taking eels in eyes, etc., of fishing weirs during the annual close season for eels or during the daytime.

- (1) If any person places or hangs any fishing engine for taking eels in an eye or gap of any fishing weir during—
- (a) the annual close season for eels taken by means of a fishing engine to which section 107(a) applies; or
 - (b) the daytime, within any period that is not the annual close season for eels taken by a fishing engine to which section 107(a) applies,
- he shall be guilty of an offence and shall be liable on summary conviction [^{F13} to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.]
- (2) Where a person is charged with an offence under this section and it is proved that at a particular time a fishing engine for taking eels was placed or was hanging in an eye or gap of a fishing weir, and that that person was at that time the occupier of the fishing weir, then it shall, until the contrary is proved, be presumed that the fishing engine was so placed or hung by him.

F13 1981 NI 7

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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