
STATUTORY INSTRUMENTS

1991 No. 1466

The Fisheries (Amendment) (Northern Ireland) Order 1991

Protection of fisheries

Restocking of polluted waters

11. In section 47 of the principal Act (penalty for pollution), after subsection (2) there shall be added the following subsections—

“(3) Where a person (in this section referred to as “the person convicted”) has been convicted of an offence under subsection (1), the Board—

- (a) after consulting the owner of the fishing rights in the waters affected by the pollution; or
- (b) without such consultation if the Board, upon making reasonable enquiries, is unable to ascertain the name and address of the owner,

may—

- (i) carry out such restocking to restore the fish population of the waters as is reasonable in the circumstances, and
- (ii) recover the cost thereof from the person convicted.

(4) Any question as to—

- (a) the reasonableness of any restocking to be undertaken under paragraph (i)
- (b) the costs to be recoverable under paragraph (ii) of that subsection,

shall be referred to arbitration under and in accordance with the provisions of the Arbitration Act (Northern Ireland) 1937.

(5) Nothing in this section shall affect any right of the owner of fishing rights in the waters affected by the pollution to bring civil proceedings against the person convicted; but in assessing damages in any such proceedings the court shall take into account the value of any restocking carried out by the Board under subsection (3).”.