
STATUTORY INSTRUMENTS

2007 No. 915

The Foyle and Carlingford Fisheries
(Northern Ireland) Order 2007

PART III

MISCELLANEOUS AMENDMENTS OF THE FOYLE
FISHERIES ACT (NORTHERN IRELAND) 1952

Warrants to enter certain premises

23. For section 59 of the 1952 Act (warrants) there shall be substituted—

“59 Power of lay magistrate to grant warrant to enter certain premises

(1) If a lay magistrate is satisfied by complaint on oath that the first condition is satisfied and that the second or third condition is satisfied he may issue a warrant authorising an authorised person to enter any premises, if necessary using reasonable force, for any of the purposes mentioned in section 63(1).

(2) The complaint shall include—

- (a) a statement as to whether any representations have been made by the occupier of the premises to an authorised person concerning the purpose for which the warrant is sought;
- (b) a summary of any such representations.

(3) The first condition is that there are reasonable grounds for an authorised person to enter the premises for that purpose.

(4) The second condition is that each of the following applies to the occupier of the premises—

- (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;
- (b) he has failed to allow entry to the premises on being requested to do so by an authorised person;
- (c) he has been informed of the decision to apply for the warrant.

(5) The third condition is that—

- (a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premise, or
- (b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.

(6) A warrant issued under this section shall not continue in force for more than 7 days from the date of its issue by the lay magistrate, which date shall be clearly visible on the warrant.

(7) A warrant issued under this section shall be executed only at a reasonable hour unless otherwise authorised by the warrant.

(8) A person authorised to enter premises by virtue of a warrant issued under this section—

(a) may take with him such other persons and such equipment as he considers may be necessary; and

(b) shall, on leaving any unoccupied premises which he has entered by virtue of such a warrant, leave them as effectually secured against trespassers as he found them.

(9) In this section “authorised person” does not include a private river watcher.”.