



# Foyle Fisheries Act (Northern Ireland) 1952

## CHAPTER 5

### FOYLE FISHERIES ACT (NORTHERN IRELAND) 1952

#### PART I

##### PRELIMINARY AND GENERAL

- 1 Short title.
- 2 Interpretation.
- 3 The Foyle Area.  
S. 4 rep. by 1966 c. 17 (NI)  
S. 5 rep. by SI 1999/859
- 6 Deposit of copies of orders and regulations.  
S. 7 rep. by SLR 1976

#### PART II

##### ACQUISITION OF FOYLE FISHERY RIGHTS

- 8 Power to acquire fishing rights, etc.
- 9 Exemption from stamp duties.

#### PART III

##### THE FOYLE FISHERIES COMMISSION

- 10 Commencement

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## CONSTITUTION AND FUNCTIONS

- 11 Establishment of Foyle Fisheries Commission.
- 12 Exemption from rates and taxes.
- 13 Regulations.
- 14 Restrictions on number of licences.
- 14A Acquisition and development of waters for angling
- 14B Permits to fish in Commission's waters  
Ss. 15#18 rep. by SI 1999/859

## DISSOLUTION OF LONDONDERRY BOARD

- 19 Dissolution of Londonderry Board.  
S. 20 rep. by SLR 1976  
S. 21 rep. by SI 1999/859

## PART IV (SS. 22 - 26) REP. BY SI 1999/859...

## PART V

### TIMES OF FISHING AND ANCILLARY PROVISIONS

- 27 Close seasons and close time.
- 28 Fishing during close seasons.
- 29 Fishing during close time.
- 30 Obstruction of salmon and trout.
- 31 Removal of fixed engines during close season and close time.
- 32 Removal of nets from banks of rivers during close season.
- 33 Use of nets during close season or close time.
- 34 Prohibition of sale, etc., of salmon and trout unlawfully captured.  
S. 35 rep. by 1966 c. 17 (NI)

## PART VI

### PROTECTION OF FISHERIES

#### *Unlicensed fishing, etc.*

- 35A Prohibition of unlicensed fishing
- 35B Exceptions, defences, etc. in relation to offences under section 35A

## REGULATIONS AS TO NETS

- 36 Restrictions on use of nets.
- 37 Mesh of nets for the taking of salmon in the sea and tideways.
- 38 Use of salmon nets near mouths of rivers.
- 39 Restriction on possession of unlawful net, etc.

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## PROHIBITION OF CERTAIN METHODS OF FISHING FOR, AND OF PRACTICES LIABLE TO DESTROY, SALMON AND OTHER FISH

- [40] Penalty for use or possession of deleterious matter.
- [41] Penalty for pollution.
- 42 Penalty for using, etc., certain devices for taking fish.
- 43 Fishing for salmon or trout in a river by cross lines.
- 44 Damming, etc., river or mill race for purpose of taking salmon or trout.
- 45 Taking fish unlawfully killed or found dead.

## PROTECTION OF YOUNG AND BREEDING FISH

- 46 Taking, etc., spawn, smolts or fry of salmon or trout.
- 47 Disturbing fish on spawning beds.
- 48 Penalties for taking, buying, etc., unseasonable salmon or trout.

## MISCELLANEOUS OFFENCES

- 49 Obstructing persons lawfully fishing.
- 50 Placing fishing engine with intent to prevent fish entering nets lawfully set.
- 51 Giving warning to persons unlawfully fishing.
- [51A] Use of boat or vehicle as aid to commission of offence.

## AGENTS FOR FISHERY OWNERS

- 52 Appointment

## PART VIA

## AQUACULTURE

### *Aquaculture licences*

- 52A Aquaculture licences
- 52B Applications for aquaculture licences
- 52C Determination of applications for aquaculture licences
- 52D Form and conditions of aquaculture licences
- 52E Duration of aquaculture licences
- 52F Effect of aquaculture licence
- 52G Variation of aquaculture licences by Commission
- 52H Variation of aquaculture licences: applications by holder of licence
- 52I Revocation of aquaculture licences
- 52J Surrender of aquaculture licences
- 52K Vesting of aquaculture licences on death or bankruptcy of holder
- 52L Transfer, etc. of aquaculture licences
- 52M Register of aquaculture licences
- 52N Fees in respect of applications for aquaculture licences, etc.

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### *Foyle and Carlingford Aquaculture Licensing Appeals Board*

- 52O Foyle and Carlingford Aquaculture Licensing Appeals Board
- 52P Appeals from decisions with respect to aquaculture licences
- 52Q Reasons to be given for decisions

### *Miscellaneous*

- 52R Recapture of escaped stock
- 52S Offences of making false or misleading statements or false entries
- 52T Inquiries and inspections
- 52U Regulations
- 52V Transitional provision – existing licences in the Foyle and Carlingford Areas
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- 52X Interpretation

## **PART VII**

### **POWERS OF AUTHORISED PERSONS**

- 53 Definitions.
- 54 Appointment of inspectors and river watchers.
- 55 Appointment of river watchers by persons interested in fisheries.
- 55A Duration of appointment of river watchers
- 55B Renewal of appointment as river watcher
- 56 Limitations on exercise of powers.
- 57 Warrant for exercise of powers.
- 58 General powers.
- 59 Power of lay magistrate to grant warrant to enter certain premises.
- 60 Boarding and examination of fishing vessels.
- 61 Apprehension of offenders.
- 62 Powers in relation to fishing engines, etc.
- 63 Powers of inspection, examination, and detention.
- [64 Procedure for disposal of boat or fishing engine seized.
- 65 Protection of authorised persons.
- 66 Penalty for assaulting or obstructing authorised persons.

## **PART VIII**

### **LEGAL PROCEEDINGS**

- 67 Application of penal provisions of Act.
- 68 Penalties for offences.
- 69 Saving for acts done for artificial propagation, scientific purposes or improvement of fisheries.
- 70 Residence of body corporate.
- 71 Offences by bodies corporate.
- 72 Trial of offences.
- 73 Evidence of mouths of rivers, boundaries between tidal and freshwater portions of rivers, points of mouths of rivers to or from which distances are to be measured.
- 74 Forfeiture of licences.
- 75 Forfeiture of boats, fishing engines, etc., as statutory consequence of conviction.

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- 76 Non-obligation of Court to pronounce or record forfeiture.
- 77 Disposal of fines.
- 78 Disposal of forfeitures.
- 79 Proof of regulations, bye-laws, etc.
- 80 Inquiries.
- 81 Powers in relation to inquiry.
- 82 Calculation of time periods

## SCHEDULES

— First Schedule rep. by 1966 c. 17 ( NI

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SECOND — Section 8. The Schedule sets out details of the sale of the fishery,  
 SCHEDULE including lands,...  
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 chattels, etc.

## THIRD SCHEDULE — THE FOYLE, CARLINGFORD AND IRISH LIGHTS COMMISSION

Para. 1 rep. by SI 1999/859  
 Particular powers of the Commission.  
 Special powers during transitional period.  
 Paras. 4#14 rep. by SI 1999/859  
 Power to acquire and dispose of land.  
 Paras. 16#19 rep. by SI 1999/859

## SCHEDULE 3A — FOYLE AND CARLINGFORD AQUACULTURE LICENSING APPEALS BOARD

— INCORPORATION

- 1 (1) The Appeals Board shall have the legal capacities of a body corporate. (2) The...

— MEMBERSHIP

- 2 (1) Subject to the provisions of this paragraph, the remuneration, allowances and expenses of the...

— STAFFING

- 3 (1) The Appeals Board may for the purposes of its functions, with the approval of...

— PROCEDURE

- 4 At a meeting of the Appeals Board— (a) the quorum shall be 5 members; (b)...

- 5 The seal of the Appeals Board shall, when applied to a document, be authenticated by...

— CODE OF CONDUCT

- 6 (1) The Appeals Board shall, as soon as practicable, draw up a code of conduct...

— ACCOUNTS

- 7 (1) The Appeals Board shall, in such form as may be determined by NSMC, keep...

— ANNUAL REPORT

- 8 (1) The Appeals Board shall submit a report on its activities in each year to...

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— INTERPRETATION

- 9 In this Schedule, “ the Finance Departments ” means the Northern Ireland Department of Finance...

SCHEDULE 3B — PROCEDURE IN RELATION TO APPEALS

— NOTICE OF APPEAL

- 1 (1) A notice of appeal shall— (a) be made in writing; (b) state— (i) the...  
 2 (1) If the Appeals Board considers that the notice of appeal does not comply with...  
 3 (1) The Appeals Board may strike out a notice of appeal at any stage in...  
 4 (1) The appellant may amend the notice of appeal only with the permission of the...

— WITHDRAWAL OF APPEAL

- 5 (1) The appellant may withdraw his appeal only with the permission of the Appeals Board....

— RESPONSE TO NOTICE OF APPEAL

- 6 On receiving a notice of appeal the Appeals Board shall— (a) send an acknowledgement of...  
 7 (1) The Commission shall send a response to the Appeals Board in the form required...  
 8 If the Commission wishes to request confidential treatment for any part of its response, it...  
 9 (1) If the Appeals Board considers that the response does not comply with paragraph 7,...  
 10 (1) The Appeals Board may, after hearing the parties, strike out the response at any...  
 11 (1) The Commission may amend the response only with the permission of the Appeals Board....

— CONSOLIDATION, LOCATION AND CONDUCT OF PROCEEDINGS

- 12 (1) Where two or more notices of appeal have been received in respect of the...  
 13 The Appeals Board may hold any meeting or hearing or give any directions in such...

— DIRECTIONS AND WITNESSES

- 14 (1) The Appeals Board may at any time, on the request of a party or...  
 15 (1) Subject to sub-paragraphs (2) and (3), the Appeals Board may at any time, either...  
 16 If any party fails to comply with any direction given in accordance with this Schedule,...

— ORAL HEARING TO BE IN PUBLIC

- 17 Any oral hearing shall be in public except for any part of the hearing where...

— DECISION OF THE BOARD

- 18 (1) The decision of the Appeals Board shall be delivered in such manner as may...

— Schedule 4 rep. by SI 1999/859

FIFTH SCHEDULE — FORM OF APPOINTMENT OF RIVER WATCHER UNDER SECTION 55

I, A. B. (or we, A. B. and C. D., as the case may be)...

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do hereby appoint E. F., of  
(name the place of his residence),  
a river watcher to protect the fishery of  
(name the fishery, river, or sea coast, as the case may be),  
pursuant to the Foyle Fisheries Act (Northern Ireland), 1952; and the  
said E. F., of  
(name the place of his residence),  
is hereby authorised to do all lawful acts as such river watcher  
according to the...

(Signed)

To all whom it may concern.

I, the undersigned resident magistrate, do hereby approve of the above  
appointment.

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**Changes and effects yet to be applied to :**

- s. 2(1) words inserted by [S.I. 2007/915 \(N.I.\) Sch. 2 para. 1\(1\)](#)
- s. 13(1)(k) words inserted by [S.I. 2007/915 \(N.I.\) Sch. 2 para. 1\(3\)](#)