



# Foyle Fisheries Act (Northern Ireland) 1952

## 1952 CHAPTER 5

### PART V

#### TIMES OF FISHING AND ANCILLARY PROVISIONS

##### 27 Close seasons and close time.

- (1) The annual close season in the Foyle Area<sup>[F1]</sup> and the Carlingford Area] shall be the period prescribed for that purpose or, if no period is prescribed, the period beginning on the first day of September and ending on the fourteenth day of April next following.
- (2) The annual close season for angling in the Foyle Area<sup>[F1]</sup> and the Carlingford Area] shall be the period prescribed for that purpose, or, if no period is prescribed, the period beginning on the thirteenth day of October and ending on the thirty-first day of January next following.
- (3) The weekly close time in the Foyle Area<sup>[F1]</sup> and the Carlingford Area] shall be the period prescribed for that purpose or, if no period is prescribed, the period beginning at 6 o'clock a.m. on Saturday and ending at 6 o'clock a.m. on the following Monday.
- (4) Different periods may be prescribed under this section in respect of different parts of the Foyle Area<sup>[F1]</sup> and the Carlingford Area] and, where a period is so prescribed for a particular part of that area, references in this Act to the annual close season, the annual close season for angling or the weekly close time shall, as the case may require, be construed in relation to that part as references to the period so prescribed.
- <sup>[F2]</sup>(5) Different periods may be prescribed under this section in respect of different kinds of fish and, where a period is so prescribed for a particular kind of fish, references in this Act to the annual close season, the annual close season for angling or the weekly close time shall, as the case may require, be construed in relation to that kind of fish as references to the period so prescribed.

*Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, PART V. (See end of Document for details)*

- (6) Regulations may provide that this section and sections 28 and 29 shall not apply to fish of a prescribed kind.]

- F1** SI 1999/859  
**F2** S. 27(5)(6) added (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), **10(1)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

## **28 Fishing during close seasons.**

If any person—

- (a) fishes for, takes, kills or attempts to take or kill salmon or trout [<sup>F3</sup>or any other fish of a kind prescribed for the purposes of this section](except with a rod and line), during the annual close season, or
- (b) fishes for, takes, kills or attempts to take or kill salmon or trout [<sup>F3</sup>or any other fish of a kind prescribed for the purposes of this section] with a rod and line during the annual close season for angling, or
- (c) aids or assists in any such act or attempt,

he shall be guilty of an offence against this Act.

- F3** Words in s. 28 inserted (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), **10(2)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

## **29 Fishing during close time.**

If any person fishes for, takes, kills or attempts to take or kill salmon or trout [<sup>F4</sup>or any other fish of a kind prescribed for the purposes of this section] (except with a rod and line) during the weekly close time or aids or assists in any such act or attempt he shall be guilty of an offence against this Act.

- F4** Words in s. 29 inserted (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), **10(2)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

## **30 Obstruction of salmon and trout.**

- (1) If any person places any obstruction, uses any contrivance or does any act for the purpose of obstructing the passage of salmon or trout during the annual close season or weekly close time he shall be guilty of an offence against this Act.
- (2) Nothing in this section shall apply to lawful fishing with rod and line.

## **31 Removal of fixed engines during close season and close time.**

- (1) The occupier of any fixed engine for taking salmon or trout shall forthwith, after the commencement of the annual close season and until the end of that season, and also during the weekly close time, cause the fixed engine to be removed or rendered incapable of taking or obstructing the passage of salmon and trout.
- (2) If any person fails to comply with this section, he shall be guilty of an offence against this Act.

*Changes to legislation:* There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, PART V. (See end of Document for details)

- (3) In this section “fixed engine” means any net, implement, engine or device, fixed to the soil or secured by anchors or held by hand or made stationary in any other way and used solely for the purpose of taking or facilitating the taking of fish.

### **32 Removal of nets from banks of rivers during close season.**

If any person engaged in fishing for salmon or trout by means of nets of any kind or description omits or neglects to remove and carry away from any strand or from the banks of any river or from the vicinity thereof such nets during the annual close season such person shall be guilty of an offence against this Act.

### **33 Use of nets during close season or close time.**

If any person does any of the following things during the [<sup>F5</sup>annual close season for salmon or trout or weekly close time for salmon or trout]—

- (a) places, affixes or attaches any net to any stake, bridge, sluice or lock gates of a canal or other such fixed erections, or
- (b) lays, draws or fishes with any net whatsoever,

he shall be guilty of an offence against this Act.

**F5** Words in s. 33 substituted (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), **10(3)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

### **34 Prohibition of sale, etc., of salmon and trout unlawfully captured.**

- (1) If any person buys, sells, exposes for sale or has in his possession any salmon or trout unlawfully captured, such person shall be guilty of an offence against this Act and shall be liable on summary conviction thereof to a fine not exceeding [<sup>F6</sup> level 2 on the standard scale], together with a further fine not exceeding two pounds for each salmon or trout so bought, sold, exposed for sale or found in his possession.
- (2) In any proceedings under this section, the onus of proving that the salmon or trout, the subject of the proceedings, was lawfully captured shall lie on the defendant.
- (3) Where a person, being a common carrier, is charged with the offence of having in his possession any salmon or trout unlawfully captured, it shall be a good defence to the charge for him to prove—
  - (a) that he had the salmon or trout in his possession as a common carrier and not otherwise, and
  - (b) that at the time at which the salmon or trout was accepted by him for carriage, the consignor delivered to him a certificate in writing signed by the consignor to the effect that the salmon or trout was lawfully captured.

- (4) <sup>F7</sup> .....

**F6** 1984 NI 3

**F7** S. 34(4) repealed (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), 6(2), 34(2), **Sch. 3** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

*S. 35 rep. by 1966 c. 17 (NI)*

**Changes to legislation:**

There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, PART V.