



Foyle Fisheries Act (Northern Ireland) 1952

1952 CHAPTER 5

PART VI

PROTECTION OF FISHERIES

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

42 Penalty for using, etc., certain devices for taking fish.

- [^{F1}(1) If, for the purpose of taking or facilitating the taking of any fish, any person uses or has in his possession or control, in any river or on or near the banks thereof—
- (a) any light or fire; or
 - (b) any electrical or acoustical apparatus of any kind,
- he shall be guilty of an offence against this Act.]
- (2) If, for the purpose of taking any fish, any person uses or has in his possession or control in any river or on or near the banks thereof, any otter, [^{F2}tailer or snare,] spear, strokehaul, gaff or other instrument of a similar kind, he shall, subject to sub-section (3) of this section, be guilty of an offence against this Act.
- (3) Sub-section (2) of this section shall not apply to the use, possession or control of—
- (a) a ^{F3} . . . [^{F2F3} . . . tailer] used or to be used solely as an auxiliary to lawful angling between sunrise and one hour after sunset, or
 - (b) a ^{F3} . . . [^{F2F3} . . . tailer] used or to be used by the holder of a fishing licence in respect of any box in a fishing weir or fishing mill dam solely for the purpose of lawfully removing fish therefrom, or
 - (c) an eel spear used for taking eels.

Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, Section 42. (See end of Document for details)

[^{F4}(3A) If any person throws, releases or discharges any missile or other object into any water for the purpose of taking or killing, or facilitating the taking or killing of, any fish, he shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 6 months, or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years, or to both.]

(4) Every person guilty of an offence under sub-section (1) or (2) of this section shall be liable on summary conviction thereof to a fine not exceeding [^{F5} level 3 on the standard scale] or to imprisonment for any term not exceeding [^{F6} six] months or to both such fine and such imprisonment.

[^{F7}(5) In this section—

“gaff” means a hooked instrument (with or without a barb) used to penetrate the gills or body of a fish; and

“otter” means an otter lath or jack, and includes any instrument, whether used with a handline, or as an auxiliary to a rod and line, or otherwise for the purpose of running out lures, artificial or otherwise.]

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| F1 | S. 42(1) substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)) , arts. 1(3), 15(1) (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F2 | 1962 c. 5 (NI) |
| F3 | Words in s. 42(3)(a)(b) repealed (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)) , arts. 1(3), 15(2), 34(2), Sch. 3 (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F4 | S. 42(3A) inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)) , arts. 1(3), 15(3) (with art. 32); S.R. 2008/232, art. 2 , Sch. |
| F5 | 1984 NI 3 |
| F6 | 1968 c. 31 (NI) |
| F7 | S. 42(5) added (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)) , arts. 1(3), 15(4) (with art. 32); S.R. 2008/232, art. 2 , Sch. |

Changes to legislation:

There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, Section 42.