



Fisheries Act (Northern Ireland) 1966 ^{F1}

CHAPTER 17

FISHERIES ACT (NORTHERN IRELAND) 1966

PART I

FUNCTIONS OF THE MINISTRY OF AGRICULTURE

PRELIMINARY

- 1 Responsibility of the Ministry for fisheries in Northern Ireland.

DEVELOPMENT AND IMPROVEMENT OF FACILITIES FOR ANGLING

- 1A Promotion of angling.
- 2 Acquisition and development of waters for angling.
- 3 Development of derelict waters for angling.
- 3A Schemes for development of derelict waters.
- 4 Provisions supplemental to sections 3 and 3A.
- 5 Payment of grants and execution of works for the development, etc., of waters for angling.
- 6 Programme for the development, etc., of waters for angling.
- 7 Compilation and publication of angling guide.

PERMITS TO FISH IN DEPARTMENT'S WATERS

- 7A Permits.

Status: Point in time view as at 01/06/2009.

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OTHER PROVISIONS FOR THE IMPROVEMENT AND PROTECTION OF FISHERIES

- 8 General power for stocking of waters.
- 9 Power of Ministry to improve fisheries at expense of other persons.
- 10 Power of Ministry to establish a fish farm.
- 11 Fish culture licences.
- 11A Applications for fish culture licences.
- 11B Discharge of effluent.
- 11C Amendment, suspension and revocation of fish culture licences.
- 12 Power of Ministry to conduct or assist research.
- 13 Prohibition of introduction of fish of certain kinds.
- 14 Exemptions for artificial propagation and scientific purposes.
- 15 Regulations with respect to eel fishing.

PROTECTION OF QUALITY OF FISH

- 15A Regulations for protection of quality of fish.

DEFINITIONS OF MOUTHS OF RIVERS, ETC.

- 16 Definitions of mouths of rivers, etc.

RECORDS AND RETURNS

- 17 Records and returns by holders of fishing licences and dealers' licences and persons engaged in the sea-fish industry.
- 18 Disclosure of returns and information.

REGULATIONS

- 19 Regulations.

INQUIRIES

- 20 Power of Ministry to hold inquiries and investigations.
- 21 Notice of meetings and inquiries.

REPORT

- 22 Annual report by the Ministry.

FINANCIAL PROVISIONS

- 23 Expenses.
- 24 Appropriations in aid.

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PART II

CONSERVATION AND PROTECTION OF SALMON AND INLAND FISHERIES

FUNCTIONS OF THE DEPARTMENT OF CULTURE, ARTS AND LEISURE

- 25 Functions of the Department
- 26 Regulations

FINANCIAL PROVISIONS AFFECTING THE BOARD

- 27 Borrowing powers.
- 28 Duty of Board to make to Ministry a yearly return of estimated receipts and payments.
- 29 Power of Ministry to make advances to the Board.
- 30 Accounts and Audit

RETURNS AND INFORMATION

- 32 Annual reports of the Board.
- 33 Duty of Board to disclose information to Ministry.
Ss. 34, 35 rep. by 1983 NI 21
S.36 rep. by 1968 c.31 (NI); SLR 1976

[PART III

FISHING LICENCES

- 37 Power to make regulations respecting fishing licences.
- 38 Arrangements for the issue of certain licences.
- 39 Angling licences to be non-transferable.
- 40 Effect of fishing licences.
- 41 Prohibition of unlicensed fishing.
- 42 Charging of certain offences under s.41.
- 43 Defences to charges under section 41.
- 44 Complimentary licences.
- 45 Falsification, etc., of licences.

PART IV

PROTECTION OF FISHERIES

PROTECTION OF FISHING WATERS FROM POISONING, ETC., AND POLLUTION

- 46 Penalty for use or possession of deleterious matter.
- 47 Penalty for pollution.

PROTECTION OF YOUNG AND BREEDING FISH

- 48 Taking, etc., spawn or fry of salmon, trout or eels.

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- 49 Chasing, etc., spawning fish.
- 50 Penalties for taking, etc., unseasonable salmon or trout.
- 51 Prohibition against sale, etc., of immature salmon or trout.
- 52 Taking undersized pollen.

OBSTRUCTIONS TO PASSAGE OF FISH

- 53 Removal of natural obstructions in rivers to allow free passage of fish.
S.53A rep. by 1973 NI 1
- 54 Construction of fish passes in dams in rivers.
- 55 Offence of taking fish in a fish pass, using fishing engines in a fish pass or placing obstacles in a fish pass.
- 56 Restrictions on the use of fishing engines and rods and lines at or in the vicinity of dams.
- 57 Penalty for taking fish in works or watercourses appurtenant to mills.
- 58 Provisions in relation to sluices, etc., of mills deriving water from rivers.

ABSTRACTION OF WATER FROM RIVERS AND LAKES

- 59 Gratings to be set in watercourses diverted from rivers or lakes to prevent entry therein of fish.
S.60 rep. by 1973 NI 2

INTERPRETATION

- 61 Interpretation of Part IV.

PART V

REGULATION OF FISHING FOR SALMON, EELS AND FRESHWATER FISH

PROHIBITION OF CERTAIN METHODS OF FISHING

- 62 Penalty for using certain devices for taking fish.
- 63 Fishing for salmon or trout by cross lines.
- 64 Penalty for taking salmon or trout in eel weir.
- 65 Penalty for damming or teeming river or millrace for purpose of taking salmon or trout.

[REGULATIONS AS TO NETS, ETC.]

- 66 Restrictions on use of nets.
- 67 Mesh of nets made of non-rigid material for the taking of salmon in the sea or tideways.
- 68 Meshes or openings of engines made of rigid material for the taking of salmon in the sea or tideways.
- 69 Use of salmon nets near mouths of rivers.
- 70 Powers of Board with respect to drift nets for the taking of salmon in the sea.

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- 71 Restriction on use of nets in fresh water.
- 72 Mesh of nets for taking fish in fresh water.

PROHIBITION OF FISHING WEIRS AND FIXED ENGINES, WITH CERTAIN EXCEPTIONS

- 73 Restriction with respect to fishing weirs or fixed engines in fresh water portion of rivers or lakes.
- 74 Restriction on use of fixed engines for the capture of salmon in the sea or tideways.
- 75 Effect of certificate under section 6 of the Salmon Fishery (Ireland) Act 1863.
- 76 Power of Ministry to authorise the alteration of sites of fixed engines.
- 77 Power of Ministry to authorise variation in characteristics of fixed engines.

REGULATIONS AS TO FIXED ENGINES

- 78 Prohibition of erecting or using fixed engines at mouths of rivers.
- 79 Prohibition of bag nets in certain places.
- 80 Regulations as to construction and user of bag nets.

REGULATIONS AS TO FISHING WEIRS

- 81 Free gaps in fishing weirs.
- 82 Offence of affecting flow of water through free gap by alteration of bed of river.
- 83 Fishing in or near or obstructing free gaps.
- 84 Operation of eel weir without free gap.
- 85 Rules as to boxes in salmon weirs.
- 86 Construction of guiding walls appurtenant to salmon weirs.

OTHER PROVISIONS

- 87 Restriction on possession of unlawful fishing engines, etc.
- 88 Taking salmon or trout unlawfully killed or found dead.

PART VI

TIMES OF FISHING FOR SALMON, TROUT, POLLEN AND EELS

ANNUAL CLOSE SEASON FOR SALMON AND TROUT CAUGHT OTHERWISE THAN BY ROD AND LINE

- 89 Annual close season for salmon and trout.
- 90 Penalties for fishing otherwise than by rod and line for salmon or trout during the annual close season for salmon and trout.
- 91 Provisions to be observed in relation to fixed engines during the annual close season for salmon and trout

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- 92 Dismantlement of salmon weirs during the annual close season for salmon and trout.
- 93 Removal of nets from banks, etc., of waters during the annual close season for salmon and trout.
- 94 Use of nets in inland waters during the annual close season for salmon and trout.

ANNUAL CLOSE SEASON FOR ANGLING FOR SALMON AND ANNUAL CLOSE SEASON FOR ANGLING FOR TROUT

- 95 Annual close season for angling for salmon and annual close season for angling for trout.
- 96 Angling for salmon or for trout during annual close season for angling for salmon or annual close season for angling for trout.

WEEKLY CLOSE TIME FOR SALMON AND TROUT CAUGHT OTHERWISE THAN BY ROD AND LINE

- 97 Weekly close time.
- 98 Penalty for fishing otherwise than by rod and line for salmon or trout during the weekly close time.
- 99 Provisions to be observed in relation to certain fixed engines during the weekly close time.
- 100 Provisions to be observed in relation to salmon weirs during the weekly close time.
- 101 Penalty for preventing fish from passing through boxes, etc., during the weekly close time.
- 102 Scaring or obstructing free passage of salmon or trout during the weekly close time.
- 103 Use of nets in inland waters during the weekly close time.

OTHER RESTRICTIONS AS TO TIMES OF FISHING FOR SALMON AND TROUT

- 104 Restriction on use of salmon or trout nets during certain hours in freshwater portions of rivers.

POLLEN

- 105 Annual close season for pollen.
- 106 Extension of sections 90 and 98 to pollen.

EELS

- 107 Annual close season for eels.
- 108 Prohibition of taking etc. eels, otherwise than by rod and line, during the annual close season.
- 109 Placing fishing engines for taking eels in eyes, etc., of fishing weirs during the annual close season for eels or during the daytime.

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PART VII

RESTRICTIONS ON DEALINGS IN SALMON, TROUT AND EELS

- 110 Prohibition of sale, etc., of salmon or trout unlawfully captured.
- [111 Prohibition of purchase, sale, etc., of salmon, trout, pollen and brown eels at certain times.
- 112 Restriction on purchase of salmon, trout and eels.

LICENCES FOR THE SALE OF SALMON, TROUT AND EELS

- 113 Prohibition of sale, etc., of salmon, trout and eels without licence.
- 114 Grant of licence.
- 115 Renewal of licence.
- 116 Appeal from refusal of licence.
- 117 Separate licence required for each premises, etc.
- 118 Publication of licences.
- 119 Temporary continuance of licence on death.
- 120 Register to be kept by holder of licence.
S.121 rep. by 1981 NI 7

OTHER PROVISIONS

- 122 Marking of packages containing salmon, trout or eels.
- 123 Penalties for offences under Part VII.
- 123A Power to apply this Part to other species of fish.

PART VIII

SEA-FISHERIES

REGULATIONS

- [124 Sea-fishing regulations.
S.125 rep. by 1981 NI 7
- [126 Landing etc., fish caught in contravention of regulations.

UNDERSIZED SEA-FISH

- 127 Minimum sizes of sea-fish.

OTHER PROVISIONS

- 128 Use of beaches, etc., by fishermen for purposes of sea-fishing.
- 129 Use by fishermen of land adjoining fishing places.
S.130 rep. by 1981 NI 7

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[PART IX

SHELL-FISH FISHERY LICENCES

- 131 Power of Department to grant shell-fish fishery licence.
 - 132 Application for shell-fish fishery licence.
 - 133 Form, conditions, duration and variation of shell-fish fishery licence.
 - 134 Publication of shell-fish fishery licence.
 - 135 Effect of shell-fish fishery licence.
 - 136 Offences with respect to licensed shell-fish fishery.
 - 137 Suspension or revocation of shell-fish fishery licence.
- Ss. 138#159. The substituted Part IX comprises sections 131#137 only...

PART IXA

MARINE FISH FISHERY LICENCES

- 137A Marine fish fishery licences.

PART X

MISCELLANEOUS OFFENCES

- 160 Obstructing persons lawfully fishing.
- 161 Placing fishing engine with intent to prevent fish entering any other fishing engine lawfully set.
- 162 Taking or using boats without permission.
- 163 Names of owners to be painted on fishing boats.
- 164 Unauthorised entry on several fishery.
- 165 Unauthorised fishing in private ponds.

PART XI

AUTHORISED PERSONS

DEFINITIONS

- 166 Definitions for purposes of Part XI.

PROVISIONS WITH RESPECT TO PARTICULAR CLASSES OF AUTHORISED PERSONS

- 167 Amendment of 1836 c.13 s.15, as to purposes for which members of the Royal Ulster Constabulary may be employed.
- 168 Restriction on powers of officers of the Department .
S.169 rep. by 1981 NI 7
- 170 Appointment, etc., of private water bailiffs.
- 170A Duration of appointments of private water bailiffs.
- 171 Warrant for exercise of powers.

POWERS

- 172 General powers of authorised persons.
- 173 Power of justice of the peace to grant warrant to enter certain places.

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- 174 Boarding and examination of fishing boats.
- 175 Detention of sea-fishing boats, etc.
- 176 Apprehension of offenders.
- 177 Powers in relation to fishing engines, etc.
- 178 Powers of inspection, examination and detention.
- 179 Persons using, etc., fishing engines to produce fishing licence therefor on demand.
- 179A Production of permits issued under section 7A.
- 180 Procedure for disposal of boat or fishing engine seized in certain cases.
- 181 Procedure for disposal of fish seized or detained.

PROTECTION OF AUTHORISED PERSONS

- 182 Penalty for assaulting authorised person.
- 183 Obstructing or impeding authorised person.
- 184 Giving warning to persons unlawfully fishing.
- 185 Indemnification of authorised persons.

PART XII

SUPPLEMENTAL PROVISIONS

GENERAL CONSIDERATIONS

- 185A Preservation of amenity.

JURISDICTION OF WATER APPEALS COMMISSION FOR NORTHERN IRELAND UNDER THIS ACT

- 185B Jurisdiction of Appeals Commission.

LEGAL PROCEEDINGS

- 186 Complaints.
S.187 rep. by 1981 NI 7
- 188 Jurisdiction in offences committed at sea.
- 189 Service of documents.
Ss.190, 191 rep. by 1981 NI 7
- 192 Additional defence for persons charged with buying, etc., undersized fish.
- 193 Detention of offender pending return of warrant of distress.
S.194 rep. by 1981 NI 7

FORFEITURES

- 195 Forfeiture of boat, fishing engine, etc., as statutory consequence of conviction.
- 196 Non-obligation of court to pronounce or record forfeiture.
- [197 Power of court to order forfeiture of vehicle.
- 198 Disposal of forfeitures.

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- 199 Appeal from refusal of Ministry to annul forfeiture in certain cases.
- 200 Forfeiture of licences.

PENALTIES

- 201 Penalties for offences.
- 202 Continuing offences.
- 203 Disposal of fines.

EVIDENCE

- 204 Proof of documents.
- 205 Recovery and evidence of expenses.

INTERPRETATION

- 206 Interpretation.
- 207 Extension to hand lines of provisions relating to angling.

SAVING

- 208 Saving for right of owner to take materials from streams

TRANSITIONAL

- 209 Transitional provisions.

GENERAL

- S.210, with Schedule 7, effects amendments.
- S.211, with Schedule 8, effects repeals
- 212 Application to the Londonderry Area.
- 213 Commencement.
- 214 Short title.

SCHEDULES

SCHEDULE 1 — SUSPENSION AND REVOCATION OF LICENCES

- 1 Where the Ministry has reason to suspect that the holder of a licence has contravened...
- 2 When a licence is suspended under paragraph 1 the Ministry shall, within a period of...
- 3 The Ministry may revoke a licence where the Ministry is satisfied that the holder of...
- 4 Where the Ministry proposes to revoke a licence, other than a licence suspended under paragraph...

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- 5 Where the Ministry revokes a licence the Ministry shall send by post a notice of...
- 6 A person whose licence has been revoked under paragraph 3 may, within twenty-eight days from...
- 7 The county court, in deciding an appeal brought under paragraph 6, shall state the reasons...
- 8 When a licence is suspended or revoked, the person who was the holder of the...
- 9 In this Schedule “contravention”, in relation to a condition of a licence, includes a...

SCHEDULE 2 — THE FISHERIES CONSERVANCY BOARD FOR NORTHERN IRELAND

— INCORPORATION AND CONSTITUTION (1) THE BOARD SHALL BE A BODY CORPORATE TO WHICH, SUBJECT TO...

INCORPORATION AND CONSTITUTION

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EXECUTIVE COMMITTEE OF THE BOARD

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REMUNERATION

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POWER TO AMEND CERTAIN PROVISIONS OF THIS SCHEDULE

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OFFICERS AND SERVANTS

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SUPERANNUATION

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THE SEAL

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EXECUTION OF CONTRACTS AND INSTRUMENTS NOT UNDER SEAL

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— Schedule 3 rep. by 1983 NI 21

— Schedule 4 rep. by 1968 c.31 (NI

SCHEDULE 5 — FORM OF APPOINTMENT OF PRIVATE WATER BAILIFF

I, A.B. (or we, A.B. and C.D., as the case may be) of
name the place or places of residence).
do hereby appoint E.F., of
name the place of his residence
a private water bailiff to protect the fishery of
name the fishery, lake, river, sea coast or shell-fish fishery or fisheries ,
as the...
name the place of his residence
is hereby authorised to do all lawful acts as such private water bailiff
according to...

SCHEDULE 5A — RENEWAL OF APPOINTMENTS OF PRIVATE WATER BAILIFFS

- 1 Where any person (in this Schedule referred to as "the applicant") intends to renew the...
- 2 Where the Department . . . objects to the renewal of the appointment of a...
- 3 Where, within the time specified in paragraph 2, the clerk of petty sessions has received...
- 4 (1) Where the Department . . . notifies . . . the applicant that there...
- 5 In this Schedule— “the applicant” has the meaning given in paragraph 1; “the court” means...

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SCHEDULE 6 — PROVISIONS TO WHICH SECTIONS 182(b) AND 183(b)
APPLY

— Schedule 7 # Amendments

— Schedule 8 # Repeals

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