



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART I

FUNCTIONS OF THE MINISTRY OF AGRICULTURE

OTHER PROVISIONS FOR THE IMPROVEMENT AND PROTECTION OF FISHERIES

8 General power for stocking of waters.

Where the Ministry is satisfied—

- (a) that for the purpose of developing or improving the fishery of any waters it is expedient to introduce into those or any other waters fish of any kind; and
- (b) that the introducing of fish of that kind will not interfere with the reasonable and legitimate interests of any other person,

the Ministry may acquire, and may do such things as are necessary to establish in any such waters, any fish of that kind, or any eggs or young thereof.

9 Power of Ministry to improve fisheries at expense of other persons.

- (1) For the purpose of improving any fishery, the Ministry may by agreement with and at the expense of any other person either execute any works or do any thing which that person is entitled to execute or do.
- (2) Without prejudice to the generality of subsection (1), the things which may be done by the Ministry in pursuance of an agreement under that subsection shall include any of the things referred to in paragraphs (a), (b) and (c) of section 2(3).
- (3) The execution of any works or the doing of any thing by the Ministry by agreement with any other person under subsection (1) shall not diminish in any respect any responsibility of that other person for any act or thing done in pursuance of the agreement.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966. (See end of Document for details)

10 Power of Ministry to establish a fish farm.

- (1) The Ministry may establish and operate an undertaking for the culture of fish (in this Act referred to as a “fish farm”) for the purposes—
 - (a) of providing yearling or other fish, or fry or ova, for the stocking or restocking of any waters under section 8, or of any waters the fishing rights in which are owned by, or which are under the control of,—
 - (i) the Ministry, or
 - (ii) any other person, or
 - (iii) any association of persons interested in the fishery of any waters; and
 - (b) in so far as any fish reared in such a fish farm are not required for the purposes mentioned in paragraph (a), of providing fish for human consumption.
- (2) Where, under subsection (1)(a), the Ministry provides fish for the purposes of any other person or any association, the Ministry may do so on such terms as it thinks fit, and may in particular do so in consideration of the payment to the Ministry of a sum of money less than the market value of the fish, or without payment, regard being had to—
 - (a) any undertaking given to the Ministry by that person or association as to the provision by him or them of facilities for angling by members of the public or any section thereof; or
 - (b) any proposals of that person or association (whether or not contained in a programme of angling development under section 6) for the development or improvement of any waters for fishing and for the care and protection of such waters after such development or improvement has been carried out.

[^{F1}11 ^{F2} Fish culture licences.

- (1) Subject to the following provisions of this section and sections 11A and 11C, the Department may by licence (referred to as "a fish culture licence") authorise any person—
 - (a) to operate a fish farm at a place specified in the licence, and
 - (b) to carry on in connection therewith such operations in relation to the culture of fish of any kind specified in the licence as may be so specified.
- (2) A fish culture licence—
 - (a) may contain such conditions as the Department considers appropriate; and
 - (b) shall include, in particular, conditions as to the times and seasons at and the manner in which fish may be taken.
- (3) A fish culture licence may, in so far as is expedient for the purpose of giving effect to any such conditions, exempt—
 - (a) the holder of the licence and any person acting under his directions, and
 - (b) a person who acquires fish of any kind taken in accordance with such conditions,

from the restrictions imposed by section 111 in so far as those restrictions apply to fish of that kind.
- (4) Without prejudice to subsections (2) and (3), and notwithstanding anything contained in this Act or any regulation or byelaw made under this Act, a person to whom a fish culture licence is granted and any person acting under his directions may, subject to the conditions contained in the licence, do any of the things authorised by the licence.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966. (See end of Document for details)

- (5) If any person—
- (a) operates a fish farm with respect to which a fish culture licence is not for the time being in force; or
 - (b) operates a fish farm with respect to which such a licence is in force, otherwise than in accordance with any conditions attached to the licence,
- he shall be guilty of an offence.
- (6) In this section and in sections 11A and 11B references to the operation of a fish farm include references to such operation in inland or tidal waters or within the seaward limits of the territorial sea adjacent to Northern Ireland.]

F1 1991 NI 13
F2 functions transf. by SR 2003/163

^{F3}**11A Applications for fish culture licences.**

_{F4}

- (1) An application for a fish culture licence—
- (a) shall be made to the Department in such form and manner, and
 - (b) shall include such particulars and shall be accompanied by such documents, as the Department may direct.
- (2) If, on considering an application for a fish culture licence, the Department is minded to grant the licence, the Department shall, except in relation to such classes of applications as it may direct, publish, at the applicant's expense, notice of the application in such two or more newspapers as it considers appropriate, stating the address where and the period (not being less than one month from the date of publication) within which objections in writing to the granting of the licence may be sent to it.
- (3) If—
- (a) within the period mentioned in subsection (2), the Department receives any objections (not being in the opinion of the Department vexatious, frivolous or insubstantial) which are not withdrawn; and
 - (b) those objections are not such as to cause the Department to become minded not to grant the fish culture licence,
- the Department shall cause a local public inquiry to be held by the Water Appeals Commission for Northern Ireland (in this Act referred to as “the Appeals Commission”) for the purpose of considering those objections.
- (4) If, otherwise than after the holding of such an inquiry, the Department is minded not to grant the licence or grants the licence subject to conditions—
- (a) the Department shall give to the applicant a written notification of the reasons why it is minded not to grant the licence or has granted it subject to conditions; and
 - (b) the applicant may, within 28 days from the day on which such notification is given, appeal to the Appeals Commission.
- (5) Where, under^{F5} Article 9(1) of the Water (Northern Ireland) Order 1999], the consent of the Department of the Environment is required to the discharge of effluent into a waterway in connection with the operation of a fish farm, a fish culture licence shall not be issued in respect of that operation unless such consent is granted.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966. (See end of Document for details)

- (6) Nothing in this section applies to an application for a fish culture licence which is received by the Department before the date of the coming into operation of Article 6 of the Fisheries (Amendment) (Northern Ireland) Order 1991.]

F3	1991 NI 13
F4	funcions transf. by SR 2003/163
F5	1999 NI 6

[^{F6}11B Discharge of effluent.

^{F7}

- (1) Where—
- (a) an application is made to the Department of the Environment under^{F8} paragraph 1 of Schedule 1 to the Water (Northern Ireland) Order 1999 (“the 1999 Order”), and
 - (b) in the opinion of that Department, the purpose of the application is to obtain its consent to the discharge into a waterway of effluent or matter in connection with the operation of a fish farm,
- the Department of the Environment may, with the approval of the Department, make a direction—
- (i) that a local public inquiry to be held under section 11A(3) shall also consider any objection (other than one which is withdrawn or is, in the opinion of the Department of the Environment, vexatious, frivolous or insubstantial) received in response to^{F8} the advertisement of the application under paragraph 1 of Schedule 1 to 1999 Order], and
 - (ii) that the report on the inquiry shall be delivered to each Department.
- (2) The Department of the Environment shall give notice of any direction made under subsection (1) to—
- (a) the person making the application;
 - [the Foyle, Carlingford and Irish Lights Commission, where the discharge is
 - ^{F9}(b) to be made in the Londonderry Area or the Newry area;]
 - (c) the Board, where the discharge is to be made outside^{F9} those Areas;]
- and (without prejudice to section 23 of the Interpretation Act (Northern Ireland) 1954) that person and the Foyle Fisheries Commission or, as the case may be, the Board shall be entitled to appear and be heard at the inquiry.
- (3) [^{F8}Article 13(1) of the 1999 Order] shall not apply to such an application where the Department of the Environment makes a direction under subsection (1) of this section.
- (4) [^{F8}Paragraph 2(2) of Schedule 1 to the 1999 Order shall not apply to any application under paragraph 1 of Schedule 1 to that Order] for the purpose mentioned in paragraph (b) of subsection (1) of this section.

Subs. (5) rep. by 1999 NI 6]

F6	1991 NI 13
F7	funcions transf. by SR 2003/163
F8	1999 NI 6
F9	SI 1999/859

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966. (See end of Document for details)

F10 F11 11C Amendment, suspension and revocation of fish culture licences.

- (1) The Department may at any time amend any fish culture licence, either on its own motion or on the application of the holder of the licence.
- (2) Where the Department proposes to amend any fish culture licence on its own motion, the Department shall—
 - (a) give to the holder of the licence a written notification of its intention to do so; and
 - (b) state in that notification—
 - (i) the specific amendment under consideration, and
 - (ii) the grounds upon which it is proposed to be made.
- (3) If the holder of the licence objects to the proposed amendment, he may, within 28 days from the day on which notification is given to him under subsection (2), appeal to the Appeals Commission.
- (4) A fish culture licence may be suspended or revoked in accordance with the provisions of Schedule 1; and in the application of those provisions for the purposes of this section—
 - (a) “licence” means a fish culture licence; and
 - (b) the references in paragraphs 1 and 3 to the fishery with respect to which the licence was issued shall be construed as references to the fish farm to which the licence relates.]

F10 1991 NI 13

F11 functions transf. by SR 2003/163

12 Power of Ministry to conduct or assist research.

The Ministry may, with the approval of the Ministry of Finance, conduct or promote, or assist (by grants or otherwise) any person in conducting, research or investigations into any matter relating to fish or any fishery.

13 Prohibition of introduction of fish of certain kinds.

- (1) Where the Ministry is satisfied that the introduction into any waters of fish of any particular kind would be detrimental to the fishery of those waters, the Ministry may make an order prohibiting the introduction into such waters of any live fish of that kind or any eggs or young thereof.
- (2) If any person introduces any thing into any waters in contravention of an order made under subsection (1) he shall be guilty of an offence.
- (3) Where an order has been made under subsection (1) with respect to any waters, the Ministry may, on the application of any person, issue to that person a permit to introduce into those waters any thing of a kind the introduction of which into those waters is prohibited by the order, and may attach to the permit such conditions as the Ministry thinks proper and specifies in the permit; and a person to whom such a permit has been granted, or any other person acting under his directions, may, subject to the conditions specified in the permit, do anything authorised by the permit without incurring any penalty under this section.

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(4) An order made under this section shall be subject to negative resolution.

14 Exemptions for artificial propagation and scientific purposes.

- (1) The Ministry may, by permit in writing and subject to any conditions specified in the permit, authorise any named person to do, at any season of the year, such things as may be specified in the permit for the purpose of the artificial propagation of fish, for some scientific purpose or for the improvement of any fishery, and in particular, without prejudice to the generality of the foregoing,—
 - (a) to catch fish of any kind specified in the permit and to have in his possession fish of that kind or their ova for the purpose of artificial propagation, transplantation, the stocking, restocking or improvement of any fishery or for any scientific purpose, and for the purpose of so catching to have in his possession, erect and use any fishing engine of a kind specified in the permit or to have in his possession and use any substance of a kind so specified;
 - (b) to buy or sell ova or fry of fish of any kind specified in the permit for the purpose of stocking or restocking, or for any scientific purpose;
 - (c) to dispose of fish taken in accordance with the terms of the permit in such manner and on such terms as may be so authorised.
- (2) A permit under subsection (1) shall not authorise anything to be done in relation to a several fishery otherwise than with the consent of the owner of that fishery.
- (3) Notwithstanding anything contained in this Act or any instrument made thereunder, a person to whom a permit is issued under subsection (1) or any other person acting under the directions of such first-mentioned person may, subject to any conditions specified in the permit, do any of the things authorised by the permit without incurring any penalty under this Act.
- (4) A person to whom a permit has been given by the Ministry under this section shall, if when doing anything pursuant to the permit he is so requested by an authorised person, produce the permit to that person.
- (5) In subsection (4), “authorised person” has the same meaning as in section 166(1) and (2).

15 Regulations with respect to eel fishing.

- (1) The Ministry may make such regulations as appear to the Ministry expedient for the management (other than financial), conservation, protection and improvement of the eel fisheries of Northern Ireland, other than the eel fisheries of the Londonderry Area, and, without prejudice to the generality of the foregoing provisions may by such regulations do the following things:—
 - (a) regulate the establishment and use of eel weirs and the manner of erecting or hanging fishing engines therein;
 - (b) fix and alter the close seasons for eels;
 - (c) prescribe—
 - (i) the amounts of licence duties payable to the Fisheries Conservancy Board for Northern Ireland established under Part II in respect of licences for the use of fishing engines (other than rod and line) for the taking of eels;

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- (ii) the description and form of any fishing engine to be used for the taking of eels;
 - (iii) the minimum sizes of the meshes of nets, or the apertures in other fishing engines, used for taking eels;
 - (iv) the minimum sizes or weight of eels which may be taken;
 - (v) the times and places or the mode at or in which any fishing engine may be used for taking eels;
- (d) subject to subsection (2), amend or revoke any byelaw relating in any manner to eels or eel fisheries.
- (2) Nothing in this section shall affect the power of the said Board to make byelaws under section 26 with respect to the taking of eels with rod and line.
- (3) If any person contravenes a regulation made under this section, he shall be guilty of an offence.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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