



# Fisheries Act (Northern Ireland) 1966

## 1966 CHAPTER 17

### PART I

#### FUNCTIONS OF THE MINISTRY OF AGRICULTURE

##### PRELIMINARY

#### **1 Responsibility of the Ministry for fisheries in Northern Ireland.**

- (1) Subject to the provisions of this Act, the Ministry of Agriculture (in this Act referred to as “the Ministry” ) shall be responsible in Northern Ireland for the supervision and protection of fisheries and for fostering the establishment and development of fisheries, and for those purposes shall exercise the functions conferred on the Ministry by this Act.
- (2) Subsection (1) shall have effect without prejudice to any provision of the Foyle Fisheries Acts.

##### DEVELOPMENT AND IMPROVEMENT OF FACILITIES FOR ANGLING

#### **[<sup>F1</sup>1A Promotion of angling.**

The Department may promote angling and for that purpose may—

- (a) exercise any of the functions conferred on it by sections 2 to 7;
- (b) encourage and advise bodies interested in angling; and
- (c) take such other steps as appear to it appropriate to secure the furtherance and development of angling.]

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## **2 Acquisition and development of waters for angling.**

- (1) The Ministry shall have power to acquire by agreement fishing rights in any inland waters, for the purpose of developing or improving facilities for angling, and accordingly may, so far as is reasonably necessary for or is incidental to that purpose, so acquire—
  - (a) any estate in land by virtue of which such rights are exercisable; and
  - (b) any estate in any other land which the Ministry is satisfied it is expedient to acquire for the safeguarding or the full enjoyment or exploitation of those rights.
- (2) Where fishing rights in respect of any waters have been acquired by the Ministry under subsection (1), the Ministry may do all such things as are necessary or expedient for the proper development of those waters, and of any land acquired under that subsection, for angling or for the provision of facilities or amenities for persons authorised by the Ministry to enter thereon.
- (3) Without prejudice to the generality of the provisions of subsection (2), the things that may be done in exercise of the powers conferred by that subsection shall include—
  - (a) the provision of proper means of access to waters used or capable of being used for angling, including the provision of roads, stiles, jetties, quays or boats;
  - (b) the removal or exclusion from any such waters of any predatory animal or of either any other animal or any plant, organism or substance which is harmful to fish of a particular kind or the food of fish; and
  - (c) the stocking of any such waters with fish in pursuance of section 10.

## **[<sup>F2</sup>3 Development of derelict waters for angling.**

- (1) This section applies where—
  - (a) the Department is of the opinion that any inland waters should be developed for angling; and
  - (b) the person who is entitled to the fishing rights in those waters is unknown or cannot be found.
- (2) The Department may—
  - (a) undertake the development of those waters for angling; or
  - (b) authorise an approved developer to undertake such development in accordance with an approved scheme submitted to the Department by that developer.
- (3) Before undertaking or authorising the development of any waters in pursuance of subsection (2), the Department shall on at least two occasions and at intervals of not less than 14 days publish in one or more than one newspaper circulating in the locality in which the waters are situated and in the Belfast Gazette, a notice—
  - (a) containing particulars sufficient to identify the waters;
  - (b) stating that the Department proposes to develop those waters or, as the case may be, that the Department proposes to authorise their development in accordance with a scheme;
  - (c) indicating in a general manner the Department's proposals for such development or, as the case may be, the nature of the scheme;

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- (d) specifying, where the Department proposes to authorise such development in accordance with a scheme, the name and address of the approved developer who has submitted the scheme and the name and address of a place at which copies of the scheme may be inspected at reasonable times; and
  - (e) calling upon any person who claims any right of fishing in those waters or who objects to their development, to notify the Department of his claim, or of his objection and of the grounds thereof, within such period as may be specified in the notice, being a period expiring no earlier than 28 days from the date of the second notice so published.
- (4) The Department shall serve a copy of any notice published under subsection (3) upon every person who appears to the Department to be an owner of land adjoining the waters in question.
- (5) Where—
  - (a) a notice has been published under subsection (3) with respect to any waters; and
  - (b) any person notifies the Department of his claim to fishing rights in those waters or any part thereof and produces to the Department prima facie evidence of his title,the Department shall not, with respect to those waters or, as the case may be, any such part thereof, take any further action under this section.
- (6) Where—
  - (a) a notice has been published under subsection (3) with respect to any waters; and
  - (b) any person notifies the Department of his objection and of the grounds thereof,the Department shall consider that objection unless, in its opinion, the objection is vexatious, frivolous or insubstantial.
- (7) Nothing in subsection (5) or (6) shall prejudice the power of the Department to provide assistance under section 5 for the development or improvement of such waters for angling in accordance with a programme agreed upon under section 6 by the Department and such a person as is mentioned in either of those subsections, or any other power conferred by this Part.
- (8) If, in relation to the waters referred to in a notice published by the Department under subsection (3) or in relation to any part of those waters—
  - (a) no claim to fishing rights is notified to the Department under subsection (5) or no objection is so notified under subsection (6); or
  - (b) all claims and objections so notified are withdrawn or disposed of;the Department—
  - (i) may, in accordance with the proposals referred to in the notice, execute such works and do such things as the Department is by section 2(2) and (3) empowered to execute or do in the case of waters the fishing rights in respect of which are owned by the Department; or
  - (ii) may authorise the approved developer to implement the approved scheme.
- (9) In relation to waters to which subsection (8) applies—
  - (a) the Department or, as the case may be, the approved developer may, to the exclusion of any other person, exercise in all respects the rights of the owner of a several fishery;

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- (b) the Department may, in particular, issue permits in respect of such waters in accordance with section 7A, or
  - (c) the approved developer may, in particular, issue to persons making application therefor permits for periods not exceeding one year authorising them to fish in any such waters, and charge such reasonable sums for the issue of such permits as the approved developer may determine.
- (10) Where, under subsection (2), the Department undertakes the development of any waters for angling, those waters shall for the purposes of section 24(b) and of any provision of this Act relating to the protection of waters the fishing rights in which are owned by the Department be deemed to be such waters.
- (11) Where, under subsection (2), the Department undertakes the development of any waters for angling, the Department may acquire by agreement any estate in land which the Department is satisfied it is expedient to acquire for the exploitation of those waters.
- (12) In this section and in sections 3A and 4—  
“approved developer” means—
- (a) any person intending to develop any waters for angling, or
  - (b) any body or association of persons established for or having among its objects such development;
- and approved by the Department for the purposes of this section;  
“scheme” means a scheme submitted to the Department under section 3A, and  
“approved scheme” means such a scheme which has been approved by the Department under that section; and  
“waters” include any part thereof.
- (13) The Department shall not approve a developer for the purposes of this section unless it is satisfied that the development will provide—
- (a) angling for members of the public or a section thereof, or
  - (b) angling associated with a catering establishment registered in a register maintained under paragraph (a), (b) or (c) of section 10(1) of the Development of Tourist Traffic Act (Northern Ireland) 1948.
- (14) In this section (except subsection (7)) and in sections 3A and 4 references to the development of waters shall be construed as including references to the improvement, maintenance and management of waters.
- (15) Nothing in this section shall be taken to prejudice the title of any person (including the Department) in relation to fishing rights in waters to which it applies.]

**F2**    1991 NI 13

**[<sup>F3</sup>3A    Schemes for development of derelict waters.**

- (1) A scheme submitted to the Department for the purposes of section 3 shall be—
- (a) in such form and contain such particulars as may be prescribed by regulations; and
  - (b) accompanied by such documents as may be so prescribed.

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- (2) A fee of such amount as may be prescribed by regulations, made with the approval of the Department of Finance and Personnel, shall be payable by the approved developer on submitting a scheme.
- (3) The Department may approve a scheme with or without amendments.
- (4) In considering whether to give its approval to a scheme, the Department shall take into account such matters as are in its opinion appropriate and, in particular—
  - (a) the nature of the scheme and its potential effect on other fisheries;
  - (b) the financial and other resources available to the developer proposing the scheme;
  - (c) the arrangements made by the developer with owners of land to facilitate access to the waters to which the scheme relates; and
  - (d) the extent to which those waters, are already open to the public for angling.
- (5) Approval of a scheme shall be expressed to expire after the specified period.
- (6) Approval of a scheme may be—
  - (a) given subject to conditions; and
  - (b) withdrawn on failure to comply with those conditions.
- (7) The Department, on the application of the developer who proposed a scheme or otherwise, may vary an approval so as to—
  - (a) restrict the specified period; or
  - (b) add, remove or vary conditions to which the approval is subject.
- (8) On the expiration of the specified period the approved developer shall cease to occupy the waters forthwith.
- (9) Nothing in this section shall preclude an approved developer, who has in consequence of subsection (8) ceased to occupy waters, from submitting to the Department a further scheme in respect of those waters.
- (10) In this section and in section 4 “the specified period” means, subject to subsection (11) and section 4(3), such period as the Department may specify in relation to an approved scheme, being a period which expires no less than 5 years and no more than 15 years from the date on which the Department under section 3(2)(b) authorises the approved developer to undertake development of the waters in accordance with the scheme.
- (11) Where, under subsection (6), the Department withdraws its approval of a scheme, the specified period shall come to an end on the expiration of 30 days from the date on which the Department notifies the approved developer of that withdrawal, and subsection (8) and section 4 shall apply accordingly.]

**F3**    1991 NI 13

**[<sup>F4</sup>4    Provisions supplemental to sections 3 and 3A.**

- (1) The following provisions of this section shall have effect where—
  - (a) the Department has under section 3—
    - (i) undertaken the development of any waters for angling, or

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- (ii) authorised an approved developer to undertake such development in accordance with an approved scheme; and
  - (b) a person claiming to be entitled to fishing rights in respect of those waters (in this section referred to as "the owner") thereafter produces to the Department proof of his title to the rights.
- (2) Where the Department is the occupier of the waters, the Department shall be entitled to remain in occupation for the period of 5 years from the date on which the owner produces to the Department proof of his title to the fishing rights in respect of the waters.
- (3) Where an approved developer is the occupier of the waters, that developer shall be entitled to remain in occupation until the expiration of—
  - (a) the period of 5 years from the date on which the owner produces to the Department proof of his title to the fishing rights in respect of the waters, or
  - (b) the specified period,
 whichever is the earlier.
- (4) On the expiration of the period for which the occupier is by virtue of subsection (2) or (3) entitled to remain in occupation of the waters, the occupier shall cease to occupy the waters forthwith; but nothing in this subsection or in subsection (3) shall prejudice the Department's powers under section 3A(6) and (7).
- (5) The occupier shall pay compensation to the owner in respect of its occupation of the waters for the period beginning—
  - (a) if the occupier is the Department, on the date when the Department first began to undertake the development of the waters; or
  - (b) if the occupier is an approved developer, on the date when the Department authorised that developer to undertake the development of the waters in accordance with an approved scheme;
 and ending on the date when, in accordance with subsection (2) or (3), the occupier ceases to be entitled to occupy the waters.
- (6) Any question as to—
  - (a) the sufficiency of any evidence tendered by the owner in proof of his title to the fishing rights;
  - (b) whether compensation is payable under subsection (5); or
  - (c) the amount of such compensation;
 shall, in default of agreement, be referred to and determined by the Lands Tribunal.
- (7) No proceedings shall be brought under subsection (6) after the expiration of the period of one year from the date on which the occupier is obliged by virtue of section 3A(8) or subsection (4) of this section to cease to occupy the waters.
- (8) When assessing compensation under subsection (6), the Lands Tribunal shall have regard to—
  - (a) the extent to which fishing rights in the waters were exercised by the owner during the 10 years immediately preceding the date when the Department first began to undertake the development of the waters or, as the case may be, authorised the approved developer to undertake such development in accordance with an approved scheme; and
  - (b) the value of any development of the waters for angling, undertaken by the occupier.

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(9) Occupation of any waters such as are mentioned in subsection (1) shall not confer on the occupier any rights in respect of such waters other than those mentioned in section 3 or this section.

(10) In this section—

“the occupier” means—

- (a) where the Department has undertaken the development of waters for angling, the Department, and
- (b) where the Department has authorised an approved developer to undertake such development in accordance with an approved scheme, that developer;

“the owner” has the meaning given in subsection (1)(b).]

**F4**    1991 NI 13

## **5      Payment of grants and execution of works for the development, etc., of waters for angling.**

(1) The Ministry, upon the application of—

- (a) any person who is, by virtue of his ownership of any fishing rights, for the time being entitled to take fish in any inland waters; or
- (b) any association of persons established for the purpose of developing or improving any waters for angling,

may, in accordance with the terms of a programme approved by the Ministry under section 6,—

- (i) make grants to that person or association towards any expenditure reasonably incurred by him or them for the purposes of developing or improving any such waters for angling or of providing or improving facilities or amenities for anglers on or in connection with such waters;
- (ii) cause such works to be executed and do such things as are expedient for any such purposes.

(2) Without prejudice to the generality of paragraph (i) of subsection (1), the purposes for which grants may be made under that paragraph or for which works may be executed or any thing done under paragraph (ii) of that subsection shall include the doing of any thing which may, under section 2(2) and (3), be done by the Ministry in the case of waters the fishing rights in respect of which are owned by the Ministry.

## **6      Programme for the development, etc., of waters for angling.**

(1) A person applying to the Ministry under subsection (1) of section 5 for any assistance such as is described in paragraph (i) or (ii) of that subsection, or a person so applying on behalf of any association, shall submit to the Ministry a programme for the development or improvement of the waters with respect to which the application is made, and the Ministry may approve the programme without modification or subject to any modification that may be agreed upon between the Ministry and the applicant, or may refuse to approve the programme.

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- (2) In determining the amount of any grant for which application is made under section 5(1)(i) or the nature or extent of any works proposed to be executed or thing to be done under section 5(1)(ii), the Ministry shall have regard to—
- (a) the security of tenure of the applicant or, as the case may be, the association or any of their members of any estate in land by virtue of which any right of taking fish in those waters is exercisable by him or them;
  - (b) any representations made to the Ministry by any other person who has such an estate in land, and the willingness of any such other person to enter into an agreement with the Ministry or the applicant for the furtherance of the purposes of the programme;
  - (c) the provisions of the programme with respect to the amount of any financial contribution to be made or work to be done for the purposes of the programme by the person making the application or, as the case may be, the association or any of their members;
  - (d) the amount of any contribution to be made for the purposes of the programme by a district council<sup>F5</sup> under section 37 of the Local Government (Ireland) Act 1898 ;
  - (e) any other sources of financial assistance available to the applicant; and
  - (f) the extent to and the terms on which facilities for angling in the waters to which the programme relates will be made available to members of the public or any section thereof.
- (3) A programme approved by the Ministry under subsection (1) may be modified with the Ministry's approval, and thereafter shall have effect for the purposes of this section as so modified.
- (4) Subject to subsection (5), where the Ministry has approved a programme under this section, the Ministry may revoke its approval if, at any time before the carrying out of the programme is completed, it appears to the Ministry—
- (a) that any term of the programme or any condition imposed in connection with the payment of a grant or instalments thereof, or the execution of any works, or the doing of any thing, under section 5 in relation to the programme has not been, or is not likely to be, complied with; or
  - (b) that in connection with an application for approval of the programme or of any modification of the programme the applicant gave information which was false or misleading in a material respect;
- and if before the revocation any payment is made by way of grant in respect of the programme, the Ministry may recover the payment, or so much thereof as it thinks fair, as a simple contract debt in any court of competent jurisdiction.
- (5) Before revoking an approval under subsection (4), the Ministry shall—
- (a) give to the applicant or any other person to whom any grant would be payable by the Ministry under the programme, or from whom any payment of such a grant would be recoverable, a written notification of the reasons for the proposed revocation; and
  - (b) afford to each such person an opportunity of appearing before and being heard by a person appointed for the purpose by the Ministry; and
  - (c) consider the report of the person so appointed and supply a copy of the report to each person who was entitled to appear before the person submitting it.



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- (6) For the purpose of giving effect to the provisions of a programme to which the Ministry has given its approval under this section, or of securing the observance by any person of conditions attached to such approval, the Ministry may enter into an agreement with any person or association, by or on behalf of whom the programme was submitted, or with any person acting on behalf of such an association, or with any other person such as is referred to in subsection (2)( b), on such terms and conditions as the Ministry thinks fit; and without prejudice to the generality of the foregoing provisions of this subsection, the agreement may include provisions for ensuring that any disposition by any such person or association of fishing rights over the waters to which the programme relates or of any land held in connection therewith shall be made on such terms as may be appropriate for securing the continued observance of the conditions by his or their successors in title.

F5 1972 c.9 (NI) see s.133(2) of that Act

## 7 Compilation and publication of angling guide.

- (1) The Ministry may enter into arrangements with persons claiming to be entitled to fishing rights in any waters for such persons to supply to the Ministry—
- (a) particulars as to—
    - (i) the availability or otherwise of any such waters for angling by members of the public; and
    - (ii) the terms upon which waters are made so available; and
  - (b) such other information in relation to those waters as may appear to the Ministry to be of interest to persons wishing to engage in angling therein.
- (2) The Ministry may publish, or may enter into arrangements with any body established under any enactment for the promotion of the development of tourist traffic in Northern Ireland for the publication of, any particulars or information supplied to the Ministry under subsection (1), in the form of an angling guide.
- (3) Where the Ministry supplies to any persons copies of an angling guide published by the Ministry under this section, it may make such reasonable charges therefor as will defray any expenses incurred by the Ministry in relation to the preparation and publication of the guide.

## [F6] PERMITS TO FISH IN DEPARTMENT'S WATERS

F6 1991 NI 13

### 7A Permits.

- (1) Where the Department owns the fishing rights in any waters—
- (a) the Department may issue permits, or make arrangements for their issue through agents, for periods not exceeding one year, authorising the holder of such a permit to use a fishing engine in the waters to which the permit relates; and

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- (b) may, subject to subsection (2), charge for the issue of such permits such reasonable sums as the<sup>F7</sup> Department may determine].
- (2) The Department may under subsection (1)(a) issue complimentary permits to persons not ordinarily resident in Northern Ireland and nothing in this Act shall require such persons to make any payment in respect of such permits.
- (3) Where permits are issued under subsection (1) in relation to any waters, any person who, without obtaining such a permit, uses a fishing engine in those waters, shall be guilty of an offence.
- (4) Section 45 (offence of falsifying, etc. licences) shall apply in relation to any permit issued under subsection (1) as if—
  - (a) for any reference in that section to a fishing licence there were substituted a reference to such a permit,<sup>F8</sup> . . .
  - (b) <sup>F8</sup> . . . . .]

**F7** 2001 c. 4 (NI)

**F8** S. 7A(4)(b) and preceding word repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(2), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

## 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.

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## **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.

## **[<sup>F9</sup>11<sup>F10</sup> 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<sup>F11</sup> . . . 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.

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- (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.]

**F9** 1991 NI 13

**F10** functions transf. by SR 2003/163

**F11** Words in s. 11(4) repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(3), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

## <sup>F12F13</sup>**11A Applications for fish culture licences.**

- (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.

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- (5) Where, under<sup>F14</sup>[<sup>F15</sup>Article 7A(3)(a)] 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.
- <sup>F16</sup>(5A) [ Where, under Part 2 of the Aquatic Animal Health Regulations (Northern Ireland) 2009, the authorisation of the Department is required in connection with the operation of a fish farm, a fish culture licence shall not be issued in respect of that operation unless such authorisation is granted.]
- (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.]

- F12** 1991 NI 13  
**F13** functions transf. by SR 2003/163  
**F14** 1999 NI 6  
**F15** Words in s. 11A(5) substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006](#) (S.I. 2006/3336 (N.I. 21)), art. 308(1), **Sch. 12 para. 7** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)  
**F16** S. 11A(5A) inserted (27.3.2009) by [Aquatic Animal Health Regulations \(Northern Ireland\) 2009](#) (S.R. 2009/129), regs. 1(1), **16(1)**

## <sup>F17</sup>**11B Discharge of effluent.**

<sup>F18</sup>

- (1) Where—
- an application is made to the Department <sup>F19</sup>... under<sup>F20</sup> paragraph 1 of Schedule 1 to the Water (Northern Ireland) Order 1999 ( “the 1999 Order”)], and
  - in the opinion of [<sup>F21</sup>the 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,
- [<sup>F22</sup>the Department may] make a direction—
- 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 <sup>F23</sup>..., vexatious, frivolous or insubstantial) received in response to [<sup>F20</sup> the advertisement of the application under paragraph 1 of Schedule 1 to 1999 Order], <sup>F24</sup>...
  - <sup>F25</sup>(ii) .....
- (2) The Department <sup>F26</sup>... shall give notice of any direction made under subsection (1) to—
- the person making the application;
  - <sup>F27</sup>[ the Foyle, Carlingford and Irish Lights Commission, where the discharge is to be made in the Londonderry Area or the Newry area;]
  - <sup>F28</sup>.....
- and (without prejudice to section 23 of the Interpretation Act (Northern Ireland) 1954) that person and the Foyle Fisheries Commission <sup>F29</sup>... shall be entitled to appear and be heard at the inquiry.
- (3) [<sup>F20</sup>Article 13(1) of the 1999 Order] shall not apply to such an application where the Department <sup>F30</sup>... makes a direction under subsection (1) of this section.

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

- (4) [<sup>F20</sup>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 6J*

- F17** 1991 NI 13  
**F18** functions transf. by SR 2003/163  
**F19** Words in s. 11B(1)(a) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 64(2)(a)** (with art. 9(2))  
**F20** 1999 NI 6  
**F21** Words in s. 11B(1)(b) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 64(2)(b)** (with art. 9(2))  
**F22** Words in s. 11B(1) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 64(2)(c)** (with art. 9(2))  
**F23** Words in s. 11B(1)(i) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 64(2)(d)** (with art. 9(2))  
**F24** Word in s. 11B(1)(i) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 64(2)(e)** (with art. 9(2))  
**F25** S. 11B(1)(ii) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 64(2)(f)** (with art. 9(2))  
**F26** Words in s. 11B(2) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 64(3)** (with art. 9(2))  
**F27** SI 1999/859  
**F28** S. 11B(2)(c) repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), **Sch. 1 Pt. 2 para. 3(4)**, **Sch. 3** (with **Sch. 1 Pt. 1 para. 4(3)**); S.R. 2009/172, **art. 2(b)(e)**  
**F29** Words in s. 11B(2) repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), **Sch. 1 Pt. 2 para. 3(4)**, **Sch. 3** (with **Sch. 1 Pt. 1 para. 4(3)**); S.R. 2009/172, **art. 2(b)(e)**  
**F30** Words in s. 11B(3) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 64(4)** (with art. 9(2))

<sup>F31</sup>  
<sub>F32</sub> **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.

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

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- (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.]

**F31** 1991 NI 13

**F32** 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.
- (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;



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

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- (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 [<sup>F33</sup>or the Newry 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 [<sup>F34</sup>the Department] in respect of licences for the use of fishing engines (other than rod and line) for the taking of eels;
    - (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) <sup>F35</sup> .....
- (2) <sup>F36</sup> .....
- (3) If any person contravenes a regulation made under this section, he shall be guilty of an offence.

**F33** Words in s. 15(1) inserted (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), 34(1), **Sch. 2 para. 2(3)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.



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- F34** Words in s. 15(1)(c)(i) substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(5)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**
- F35** S. 15(1)(d) repealed (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(5)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**
- F36** S. 15(2) repealed (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(5)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

## PROTECTION OF QUALITY OF FISH

### <sup>F37</sup> **15A Regulations for protection of quality of fish.**

- (1) With a view to reducing the risk of deterioration of or damage to fish after capture and before they are brought onto retail premises or, if not so brought, are sold by retail, the Ministry, with the concurrence of the Ministry of Health and Social Services, may make regulations imposing a duty on persons engaged in the business of fishing or of handling, processing, storing, transporting or selling fish, and persons acting on their behalf, to comply with such requirements (including requirements relating to processing, hygiene or temperature; or as to the stowage or exposure of fish; or as to the construction, lay out and equipping of holds in fishing boats or of the parts of such boats, or of premises, used for processing fish; or as to the size, form and material of containers and the manner of packing) as may be prescribed by the regulations.
- (2) Regulations made under this section may prescribe standards of quality for fish and may limit the purposes for which fish of any of the standards may be used.
- (3) If any person contravenes a provision of regulations made under this section he shall be guilty of an offence, and if in the case of any fishing boat [<sup>F38</sup> there is a contravention of any such provision,—
  - (a) the master of the boat, and
  - (b) the charterer, if any, of the boat, or, if there is no charterer, the owner, and
  - (c) where there is a charterer and the offence relates to the construction or lay out of any part of the boat, also the owner of the boat,]shall each be guilty of an offence.
- (4) In this section “processing” in relation to fish includes preserving or preparing the fish, or producing any substance or article from it, by any method for human or animal consumption and “retail premises” means any separate and distinct premises, or part of any premises, used solely for the purposes of sale by retail or any vehicle so used.]

**F37** 1968 c.31 (NI)

**F38** 1981 NI 7

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

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## DEFINITIONS OF MOUTHS OF RIVERS, ETC.

### 16 Definitions of mouths of rivers, etc.

- (1) For the purposes of this Act, the Ministry may by order define, by reference to a map or otherwise,—
- (a) the mouth of any river at its entrance into any lake or the sea;
  - (b) the mouth of any tributary river at its entrance into any other river;
  - (c) the boundary between the tidal and freshwater portions of any river;
  - (d) the point or points to or from which distances are to be measured under this Act;
  - (e) the areas within which it is prohibited under this Act to use or practise certain methods of fishing;
  - <sup>F39</sup>(f) the boundary between so much of<sup>F40</sup> the Northern Ireland zone] as is within, and so much thereof as is without, the Londonderry Area [<sup>F41</sup>or the Newry Area].]
- (2) Where several rivers flow into a common mouth or estuary, an order under this section may declare that the outlets of such rivers form separate mouths.

**F39** 1968 c.31 (NI)

**F40** SI 2002/790

**F41** Words in s. 16(1)(f) inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 34(1), **Sch. 2 para. 2(4)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

## RECORDS AND RETURNS

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

- (1) The Ministry may make regulations with respect to—
- (a) the records to be kept and the returns to be made by—
    - (i) holders of fishing licences;
    - (ii) holders of dealers' licences;
    - (iii) persons engaged in business in connection with the wholesale distribution or the processing of sea-fish;
    - <sup>F42</sup>(iv) sea-fishermen;
    - (v) fish-salesmen;]
  - (b) the persons to whom, the times at which, and the forms in which the returns are to be made;
  - (c) the heads under which particulars are to be included in such records or returns; and
  - (d) such other matters with respect to the records or returns (including the inspection, verification and copying of records by an officer of the Ministry) as may seem expedient.

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

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- (2) Every person required by regulations made under this section to keep any record or to make any return, who—
- <sup>F43</sup>(a) acts in contravention of any provision of the regulations; or]
  - (b) makes in a record or return any statement which to his knowledge is false or misleading in any material respect,
- shall be guilty of an offence.
- <sup>F44</sup>(3) In subsection (1)( a) in sub-paragraph (i) “fishing licence” does not include a licence to fish with rod and line and in sub-paragraph (iii) “processing” has the same meaning as in section 15A(4).]
- <sup>F42</sup>(4) In this section—
- (a) “sea-fishermen” includes the master, charterer or owner of a sea-fishing boat;
  - (b) “fish-salesmen” includes an auctioneer or dealer in fish at the point of landing (as defined by regulations) of the fish.]

**F42** 1981 NI 7

**F43** 1968 c.31 (NI)

**F44** 1968 c.31 (NI)

## 18 Disclosure of returns and information.

- (1) Subject to subsection (2), returns or any information contained in returns furnished pursuant to section 17 shall not, without the consent of the person by whom any return was made, or, as the case may be, the person to whose business the returns relate, be disclosed otherwise than to the Ministry or an officer of the Ministry.
- (2) Subsection (1) shall not apply to—
- (a) the disclosure of returns or information in the form of a summary of similar returns or information furnished by or obtained from a number of persons, if the summary is so framed as not to enable particulars relating to any individual or any individual business to be ascertained from it; or
  - (b) any disclosure of information made for the purposes of any legal proceedings pursuant to this Act, or for the purposes of any report of any such proceedings; or
  - (c) the disclosure of any such returns or information in so far as the disclosure is required or authorised by or under this Act.
- (3) If any person discloses any information in contravention of this section, he shall be guilty of an offence.

## REGULATIONS

## 19 Regulations.

- (1) The Ministry may make regulations prescribing anything which, under this Act, may be prescribed by regulations, and providing for any matter in respect of which regulations may be made under this Act.

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

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- (2) Regulations made under this Act shall be subject to negative resolution.

## INQUIRIES

### 20 Power of Ministry to hold inquiries and investigations.

- (1) The Ministry may cause local or other inquiries to be held or investigations to be made in relation to the fisheries of Northern Ireland or any of them and the best means to be adopted for the management, conservation, protection or improvement thereof, or in relation to the operation of this Act.
- (2) This section shall not be construed as empowering the Ministry to cause inquiries to be held or investigations to be made in any case in relation to which the Foyle<sup>F45</sup> Carlingford and Irish Lights] Commission is authorised to hold inquiries under section 80 of the Foyle Fisheries Act (Northern Ireland) 1952 .
- <sup>F46</sup>(3) Without prejudice to subsection (1), the Department may, with respect to any fish farm for which a fish culture licence under section 11 is in force (including any fishery for which a shell-fish fishery licence is also in force), make such inquiries and examination by an inspector or otherwise, and require from the holder of the licence such information, as the Department considers necessary or proper, and the holder of the licence shall afford all facilities for such inquiries and examination, and give such information, accordingly.
- (4) Without prejudice to any provision of Part XI, for the purpose of an examination under subsection (3) an officer authorised in writing in that behalf by the Department, on production if so required of his credentials, may at any reasonable time—
  - (a) enter any place specified in a fish culture licence under section 11 authorising the operation of a fish farm and any area specified in a shell-fish fishery licence; and
  - (b) examine that place or land within that area and all fish, buildings, structures, rafts, trays, devices and things found there; and
  - (c) obtain, take away and dispose of samples (which shall be marked, labelled or otherwise made capable of identification) of any fish, or of any water or other substance, found there;
 and the holder of the licence shall afford to such an officer facilities for the exercise by him of any right conferred by this subsection.]

**F45** SI 1999/859

**F46** 1981 NI 7

### 21 Notice of meetings and inquiries.

Where the Ministry is required under any provision of this Act to cause a public inquiry or public meeting to be held, sufficient notice of that inquiry or meeting shall be deemed to be given if, not less than fourteen days before the holding of the inquiry or meeting, notice of the time and place at which the inquiry or meeting is to be held, and of the matters to be inquired into or considered thereat, is given by advertisement

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

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inserted in one or more than one newspaper circulating in the district where the inquiry or meeting is to be held.

## REPORT

### 22 Annual report by the Ministry.

[<sup>F47</sup>(1)] The Ministry shall cause to be prepared and laid before Parliament an annual report containing for the year to which it relates—

- (a) particulars of the Ministry's proceedings under this Act; and
- (b) so far as is practicable, a statistical account of the fisheries of Northern Ireland, arranged and classified under such different heads as appear to the Ministry to be most suited for the purpose; and
- (c) particulars of the receipt and payment of any sums of money which the Ministry, under the provisions of this Act, receives or pays.

[<sup>F47</sup>(2) The report under subsection (1) may be made and laid before the Assembly as part of the yearly report required by section 26 of the Agriculture and Technical Instruction (Ireland) Act 1899.]

F47 1991 NI 13

## FINANCIAL PROVISIONS

### 23 Expenses.

(1) Subject to the succeeding provisions of this Part and without prejudice to section 29(1), there shall be defrayed out of moneys provided by Parliament—

- (a) any expenditure incurred by the Ministry under this Act, including, in particular,—
  - (i) any sums expended in acquiring fishing rights under section 2 or in developing or improving any waters for angling or any land under that section or section 3;
  - (ii) any sums paid under section 4 to a person claiming fishing rights in waters developed or improved by the Ministry under section 3;
  - (iii) any grants paid, or the cost of any works executed or things done, under section 5 in pursuance of a programme of angling development approved by the Ministry under section 6;
  - (iv) any expenditure incurred in publishing an angling guide under section 7;
  - (v) any expenditure incurred in relation to the stocking of any waters under section 8;
  - (vi) subject to subsection (2), the cost of executing any works or doing any thing which the Ministry is by this Act authorised to execute or do at the expense of any other person;

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

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- (vii) any expenses incurred in relation to a fish farm established under section 10; and
  - (viii) any sums expended for the purposes of research or investigations carried out by the Ministry under section 12 or of any grants or other assistance provided for other persons under that section; and
  - (b) any increase attributable to any provision of this Act in the sums which are authorised or required to be so defrayed under any other enactment.
- (2) The payment under subsection (1) of the amount of any expenses incurred by the Ministry in executing any works or doing any thing that may be so executed or done under this Act at the expense of any other person shall be subject to the reimbursement of the Ministry in the like amount by the person at whose expense the works are executed or the thing is done.
- (3) There shall be paid into the Exchequer any sums received by the Ministry under subsection (2) in reimbursement of any payment such as is described in that subsection.

## 24 Appropriations in aid.

There shall be appropriated in aid of moneys provided by Parliament for defraying the expenses incurred by the Ministry under this Act any sums received by the Ministry under this Act (other than sums to which sections 23(3) and 29(2) apply), including, in particular,—

- (a) any sum paid to the Ministry by a district council<sup>F48</sup> under section 37(1)(a) or (b)(i) of the Local Government (Ireland) Act 1898, by way of contribution towards the amount of any such expenses;
- (b) any sum paid to the Ministry by any person in respect of a permit issued to him by the Ministry authorising him to fish in any waters the fishing rights in respect of which are owned by the Ministry;
- (c) any sum recovered by the Ministry under section 6(4) in consequence of the revocation by the Ministry of its approval of a programme of development under that section;
- (d) any sum received by the Ministry in respect of the sale of fish from a fish farm operated by the Ministry under section 10; and
- <sup>F49</sup>(e) any other sum paid to the Ministry by a person interested in the development of a fishery to defray any expenses incurred under this Act in relation to that fishery.

**F48** 1972 c.9 (NI) see [s.133\(2\)](#) of that Act

**F49** prosp. inserted by [1983 NI 21](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966,  
PART I.