



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART IV

PROTECTION OF FISHERIES

PROTECTION OF YOUNG AND BREEDING FISH

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

- (1) [^{F1}Subject to subsections (1A) and (2)] if any person—
- (a) wilfully takes, sells, purchases, or has in his possession the spawn, ...^{F2} or fry of salmon, trout or eels; or
 - (b) wilfully obstructs the passage of the ... fry of salmon, trout or eels; or
 - (c) injures or disturbs the spawn or fry of salmon, trout or eels; or
 - (d) injures or disturbs any spawning bed, bank or shallow where the spawn or fry of salmon, trout or eels may be,

he shall be guilty of an offence.

[^{F1}(1A) It shall not be an offence under subsection (1)(a) for the owner of an eel several fishery to take or have in his possession the fry of eels where he has removed those fry from that several fishery solely for the purpose of returning them to an upstream part of the same several fishery.

(1B) Subsection (1A) applies to a person acting under the direction of the owner of an eel several fishery in the same manner as it applies to such an owner.]

- (2) Where a person is charged with the offence of taking or having in his possession any ... fry in contravention of subsection (1)(a), it shall be a good defence for him to prove that he removed the ... fry from a system of waters solely for the purpose of preserving them from some immediate danger (whether actual or reasonably apprehended) and that he returned, or intended to return, them to an adjacent safer part of the same system of waters, without any avoidable injury, as soon as reasonably practicable.

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

[^{F1}(3) In this section—

- (a) “fry” (except in subsection (1)(d))—
 - (i) in relation to salmon, includes parr and smolts,
 - (ii) in relation to trout, includes trout of a length less than fifteen centimetres measured from the tip of the snout to the fork or cleft of the tail, and
 - (iii) in relation to eels, includes elvers; and
- (b) “trout” includes rainbow trout.]

[^{F3}(4) It shall be a defence for a person charged with an offence under subsection (1)(a) in relation to the spawn of any salmon to prove—

- (a) that the spawn had been produced at a fish farm; or
- (b) that he believed on reasonable grounds that it had been so produced.

(5) If any person removes any material from the bed of any river—

- (a) without the consent of [^{F4}the Department] under subsection (6); or
- (b) otherwise than in accordance with the conditions of a consent granted by [^{F4}the Department] under subsection (6),

he shall be guilty of an offence.

(6) [^{F4} The Department] may, on the application of any person, grant its consent to the removal of material from the bed of a river on such conditions as it thinks fit.

(7) Where [^{F4}the Department]—

- (a) on an application for a consent under subsection (6), has refused a consent; or
- (b) in giving a consent under subsection (6), has given that consent subject to conditions,

the person who applied for the consent may appeal to the Appeals Commission against the decision within 28 days from the day on which notice of the decision was given to that person.

(8) A consent under subsection (6) does not confer on any person a right to remove material from the bed of a river which (apart from this section) he would not otherwise have.

(9) Nothing done under and in accordance with the conditions of a consent under subsection (6) constitutes an offence under subsection (1) or section 49.]

Annotations:

F1 1991 NI 13

F2 1968 c.31 (NI)

F3 2001 c. 4 (NI)

F4 S. 48: words in Act 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(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

49 Chasing, etc., spawning fish.

If any person chases, injures or disturbs spawning fish or fish on the spawning beds or attempts (otherwise than by means of lawful angling with rod and line) to catch fish thereon, he shall be guilty of an offence.

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

50 Penalties for taking, etc., unseasonable salmon or trout.

- (1) Any person who at any time wilfully takes or kills or who knowingly buys, sells, offers or exposes for sale or has in his custody or possession any unseasonable salmon or trout shall be guilty of an offence.
- (2) A person who is guilty of an offence under subsection (1) shall be liable—
 - ^{F5}(a) on summary conviction to a fine not exceeding £500 with a further fine of £50 for each salmon and £10 for each trout in respect of which an offence is committed or to imprisonment for a term not exceeding six months or to both such fines and such imprisonment;
 - (b) on conviction on indictment to [^{F6} an unlimited fine] or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.]

Annotations:

- F5** [1981 NI 7](#)
F6 [1984 NI 3](#)

51 Prohibition against sale, etc., of immature salmon or trout.

- (1) Any person who buys, sells, offers or exposes for sale, or has in his possession for sale, any salmon or trout which is immature shall be guilty of an offence, and shall be liable on summary conviction [^{F7} to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.]
- (2) For the purposes of this section the expression “immature” means that the fish is of a length less than that prescribed by [^{F8} regulations], or, if no length is so prescribed, of a length less than [^{F9} 20 centimetres] measured from the tip of the snout to the fork or cleft of the tail.

Annotations:

- F7** [1981 NI 7](#)
F8 [S. 51\(2\)](#): word in Act 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\(1\)\(c\)](#) (with [Sch. 1 Pt. 1 para. 4\(3\)](#)); [S.R. 2009/172](#), [art. 2\(a\)\(b\)](#)
F9 [SR 1983/100](#)

52 Taking undersized pollen.

- (1) Any person who wilfully takes, kills or destroys, or who buys, sells, offers or exposes for sale, or has in his custody or possession any undersized pollen shall be guilty of an offence.
- (2) In this section the expression “undersized pollen” means pollen of a length less than that prescribed by [^{F10} regulations], or, if no length is so prescribed, of a length less than [^{F11} 19 centimetres] measured from the tip of the snout to the fork or cleft of the tail.

Annotations:

- F10** [S. 52\(2\)](#): word in Act 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\(1\)\(c\)](#) (with [Sch. 1 Pt. 1 para. 4\(3\)](#)); [S.R. 2009/172](#), [art. 2\(a\)\(b\)](#)

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

F11 SR 1983/100

Changes to legislation:

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