



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART VI

TIMES OF FISHING FOR SALMON, TROUT, POLLEN AND EELS

EELS

107 Annual close season for eels.

In this Act the expression “the annual close season for eels” means in relation to any locality and for the purposes of the taking of eels by means of a fishing engine of any description, other than rod and line, the period during which it is declared by a regulation under section 15 for the time being in force and applicable to that locality to be unlawful to fish for or take eels by means of a fishing engine of that description, or if no period is so prescribed,—

- (a) in relation to the taking of eels by means of [^{F1} fishing engines which are erected or hung in fishing weirs or are] fixed engines (other than long lines), the period from 9th January in any year to 31st May in that year; and
- (b) in relation to the taking of eels by any means other than a fishing engine to which paragraph (a) applies (except by rod and line), the period from 9th January in any year to 30th April in that year.

Annotations:

F1 [1968 c.31 \(NI\)](#)

108 Prohibition of taking etc. eels, otherwise than by rod and line, during the annual close season.

(1) Subject to subsection (2), and without prejudice to section 109, if any person—

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- (a) during the annual close season for eels taken otherwise than by means of a fishing engine to which section 107(a) applies, fishes for, takes or wilfully kills eels by any method whatsoever; or
- (b) during the annual close season for eels taken by means of such a fishing engine, fishes for, takes or kills eels by means of such a fishing engine; or
- (c) has in his possession during such period as may be prescribed by regulations, or, if no period is so prescribed, during the period from 31st March in any year to the then next-following 30th April, any eel other than an eel that he proves was captured elsewhere than in any part of Northern Ireland outside the Londonderry Area [^{F2}or the Newry Area];

he shall be guilty of an offence and shall be liable on summary conviction [^{F3} 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) [^{F4} Paragraph (a)] of subsection (1) shall not apply to the fishing for or taking of eels by rod and line, or the killing of eels so taken, and paragraph (c) of that subsection shall not apply to a person who, having any eel in his possession during the period referred to therein, proves that the eel was caught by rod and line at a particular place by [a person who was the holder of a fishing licence authorising him to angle for eels or who was exempted by [^{F5}regulations] made under section 37(f) from the requirement to hold such a licence] otherwise than during any period for the time being fixed by [^{F5}regulations] as a close season for angling for eels.
- (3) The Ministry may by order made subject to affirmative resolution provide that this section shall have effect as if the words in subsection (1)(c) from “other” onwards were omitted.

Annotations:

- F2** Words in s. 108(1)(c) 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(8)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.
- F3** 1981 NI 7
- F4** 1968 c.31 (NI)
- F5** S. 108: 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)**

109 Placing fishing engines for taking eels in eyes, etc., of fishing weirs during the annual close season for eels or during the daytime.

- (1) If any person places or hangs any fishing engine for taking eels in an eye or gap of any fishing weir during—
 - (a) the annual close season for eels taken by means of a fishing engine to which section 107(a) applies; or
 - (b) the daytime, within any period that is not the annual close season for eels taken by a fishing engine to which section 107(a) applies,
 he shall be guilty of an offence and shall be liable on summary conviction [^{F6} 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) Where a person is charged with an offence under this section and it is proved that at a particular time a fishing engine for taking eels was placed or was hanging in an eye or

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gap of a fishing weir, and that that person was at that time the occupier of the fishing weir, then it shall, until the contrary is proved, be presumed that the fishing engine was so placed or hung by him.

Annotations:

F6 [1981 NI 7](#)

Changes to legislation:

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