



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART VII

RESTRICTIONS ON DEALINGS IN 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.

- (1) Subject to subsection (3), no person shall sell, or offer or expose for sale, or have in his possession for sale at any place or from or in any vehicle, salmon, trout or eels unless he is the holder of a licence for the time being in force (in this Part referred to as a “dealer’s licence”) authorising him to sell salmon, trout or eels at that place, or, as the case may be, from that vehicle.
- (2) Any person who, not being the holder of a dealer’s licence, sells, offers or exposes for sale, or has in his possession for sale salmon, trout or eels, or being the holder of such a licence sells, offers or exposes for sale, or has in his possession for sale salmon, trout or eels at a place or, as the case may be, from or in a vehicle, other than that specified in the licence, shall be guilty of an offence under this Part.
- (3) This section shall not apply to—
 - (a) [^{F1}the Department]; or
 - (b) a fisherman selling only fish of his own lawful capture; or
 - (c) the holder of a fish culture licence under section 11, in relation to fish reared in the fish farm with respect to which the licence is in force; or
 - (d) a person who has possession of fish for use for catering purposes in premises in which he carries on the business of a hotel, restaurant or guest house or of providing board and lodging or meals for reward, or who sells fish or offers or exposes fish for sale as or as part of a meal in the ordinary course of such a business^[F2]; or

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- (e) a person selling a fish in pursuance of section 181(2) or of a direction given by the Ministry under section 198(1)].

Annotations:

- F1** S. 113(3)(a): 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\(a\)\(b\)](#)
- F2** 1968 c.31 (NI)

114 Grant of licence.

- (1) Where a person who is not for the time being disqualified under section 200 for holding a dealer's licence makes application in writing to [^{F3}the Department] in the form prescribed by [^{F3}the Department] and forwards therewith—
- (a) a certificate signed by a justice of the peace that that person is a fit and proper person to receive a licence; and
 - (b) a fee [^{F4} of such amount] as may be prescribed by [^{F5}regulations];
- [^{F3}the Department] may grant a dealer's licence to that person.
- (2) A dealer's licence shall (unless previously terminated) continue in force until 31st December of the year in which it is granted and shall then expire.

Annotations:

- F3** S. 114(1): 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\(a\)\(b\)](#)
- F4** 1991 NI 13
- F5** S. 114(1)(b): 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\(a\)\(b\)](#)

115 Renewal of licence.

- (1) Where the holder of a dealer's licence applies within the time before its expiration prescribed by [^{F6}the Department] , or where a person who was the holder of a dealer's licence and is not for the time being disqualified under section 200 for holding such a licence applies within the time so prescribed after its expiration, and the application—
- (a) is made in writing in the prescribed form; and
 - (b) is accompanied by a fee [^{F7} of such amount] as may be prescribed by [^{F8}regulations];
- [^{F6}the Department] may renew that licence.
- (2) Every dealer's licence renewed under this section shall (unless previously terminated) continue in force until the expiration of the calendar year for which the licence is renewed, and shall then expire.

Annotations:

- F6** S. 115(1): 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\(a\)\(b\)](#)

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- F7** 1991 NI 13
F8 S. 115(1)(b): 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)**

116 Appeal from refusal of licence.

- (1) When [^{F9}the Department][^{F10}refuses] to grant to a person who has complied with the provisions of section 114 or 115 either a dealer's licence or, as the case may be, the renewal of a dealer's licence, [^{F11}it] shall send to that person a notice—
- stating the grounds upon which the licence or renewal is refused; and
 - informing him of his right of appeal under subsection (2) and of the time within which the appeal may be brought.
- (2) A person who is aggrieved by a refusal of [^{F9}the Department] to grant to him a dealer's licence or to renew such a licence of which he is or was the holder may, within twenty-eight days from the date on which a notice under subsection (1) is served on him, appeal to the county court against such refusal.

Annotations:

- F9** S. 116: 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)**
- F10** Word in s. 116(1) 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(27)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**
- F11** S. 116(1): 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)(b)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

117 Separate licence required for each premises, etc.

A separate and distinct dealer's licence shall be taken out by every person proposing to sell salmon, trout or eels in respect of each separate and distinct place or set of premises where, or, as the case may be, every vehicle from which, it is proposed to sell the same.

118 Publication of licences.

- (1) Every holder of a dealer's licence shall cause that licence to be displayed prominently during business hours in the place or vehicle to which the licence relates, and, if he fails to do so, he shall be guilty of an offence under this Part.
- (2) Lists of persons holding dealers' licences shall be published by [^{F12}the Department] at such times and places, and in such manner and form, as may be prescribed by [^{F12}the Department] .

Annotations:

- F12** S. 118(2): 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)**

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119 Temporary continuance of licence on death.

Where the holder of a dealer's licence dies, the licence shall, unless forfeited under section 200, enure for the benefit of his personal representative or his^[F13] surviving spouse or civil partner] or any other member of his family until the expiration of two months from his death or such longer period as ^[F14]the Department] may allow.

Annotations:

F13 SR 2005/479

F14 S. 119: 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\(a\)\(b\)](#)

120 Register to be kept by holder of licence.

^[F15](1) Every holder of a dealer's licence—

- (a) shall keep or cause to be kept at the place or premises to which the licence relates or at such other place as may be permitted by ^[F16]the Department] a register in such form as may be prescribed by ^[F17]regulations]—
 - (i) of all salmon, trout or eels acquired, by whatever means and whether in the course of his business as a dealer or otherwise, by him or by any person acting on his behalf, and
 - (ii) of all salmon, trout or eels disposed of, by whatever means and whether in the course of his business as a dealer or otherwise, by him or any person acting on his behalf; and
 - (b) shall enter or cause to be entered in the register such particulars relating to such salmon, trout or eels (other than any particulars as to price) as may be so prescribed.]
- (2) A separate register shall be kept in respect of each place or set of premises, or, as the case may be, each vehicle, with respect to which a dealer's licence is for the time being in force.
 - (3) Where a dealer's licence is issued with respect to a vehicle, the register referred to in subsection (1) shall be kept in that vehicle whenever the vehicle is being operated in the ordinary course of business, and at other times shall be kept at such place as may be prescribed^[F15] by ^[F17]regulations]]]; and, accordingly, references in this Part to any place or premises where the register is required to be kept shall, as the case requires, be construed as references to that vehicle or the place so prescribed.
 - (4) The particulars referred to in subsection (1) shall be entered in the register on the same day as that on which the purchases, receipts or sales were made or received.
 - (5) Subsection (1) shall not apply with respect to any one or more sales by retail made to any one person on any one day where the total weight of the fish sold to that person on that day does not exceed^[F18] 2.25 kilograms], provided that a statement of the aggregate weight of all the fish which were the subject of such sales to all such persons on that day is entered in the register in such manner as may be prescribed^[F15] by ^[F17]regulations]].
 - (6) Any authorised officer may inspect any register kept in pursuance of this section during such time as the place where the register is required to be kept under this section is open for the carrying on of business or at such other reasonable hours as ^[F16]the Department] may prescribe by ^[F17]regulations] ; and it shall be the duty of

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the licence-holder and of every person keeping the register, upon the request of an authorised officer, to produce for inspection by him that register, and also all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available) which may be required to verify any entry in or explain any omission from the register, and to allow the authorised officer to take copies of or extracts from the register or any such document.

- (7) A demand for the inspection of a register or other document under subsection (6) shall be deemed to have been duly made to the licence-holder if the demand is made verbally at the place, premises or vehicle where the register is required to be kept under subsection (1) or (3) to any person in the employment of the licence-holder.
- (8) A person who holds or has held a dealer's licence shall preserve and retain any register kept by him under this section [^{F19} together with any documents which may be required to verify any entry in or explain any omission from that register] for a period of six months after the expiration of the latest year in which an entry was made in the register.
- (9) Any holder of a dealer's licence who contravenes any provision of this section shall be guilty of an offence under this Part.
- (10) Any person who wilfully or negligently makes or causes to be made in a register kept under this section any entry which is false or misleading in any material particular shall be guilty of an offence under this Part.
- (11) In this section “authorised officer” has the same meaning as in section 112(6).

Annotations:

F15 1991 NI 13

F16 S. 120(1)(6): 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)**

F17 S. 120(1)(3)(5)(6): 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)**

F18 SR 1983/100

F19 1968 c.31 (NI)

S.121 rep. by 1981 NI 7

Changes to legislation:

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