



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART XI

AUTHORISED PERSONS

PROVISIONS WITH RESPECT TO PARTICULAR CLASSES OF AUTHORISED PERSONS

167 Amendment of 1836 c.13 s.15, as to purposes for which members of the Royal Ulster Constabulary may be employed.

- (1) Subject to subsection (2), any member of the Royal Ulster Constabulary may enforce the provisions of this Act or of any instrument made under this Act,^{F1}
- (2) Save^{F1} . . . where forcible resistance is actually made and is proved by information on oath), no member of the Royal Ulster Constabulary shall enter upon any lands or waters for the purpose of enforcing the fishing rights of any owner or occupier thereof, or of any person in whom fishing rights are vested.

F1 1998 c. 32

168 Restriction on powers of officers of [^{F2}the Department] .

- (1) Subject to subsection (2), an officer of [^{F3}the Department] shall not enter upon any lands or waters for the purpose of enforcing the fishing rights of any owner or occupier thereof, or of any person in whom fishing rights are vested.
- (2) Subsection (1) shall not apply in any case where the fishing rights in question are rights of the Ministry^{F4} or rights of an owner or occupier of land or waters with whom [^{F3}the Department] has entered into an agreement under [^{F5}section 25(2)(c)].

Status: Point in time view as at 01/06/2009.

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

- F2** S. 168 heading: 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)**
- F3** S. 168(1)(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)**
- F4** 1991 NI 13
- F5** Words in s. 168(2) 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(29)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

Modifications etc. (not altering text)

- C1** S.168(1) excluded by 1952 c. 5 (N.I.), Third Sch. para. 2(2) (as added (1.6.2008) by **Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9))**, arts. 1(3), **29(b)** (with art. 32)); S.R. 2008/232, **art. 2**, Sch.

S.169 rep. by 1981 NI 7

170 Appointment, etc., of private water bailiffs.

- (1) Any of the following persons, namely,
- (a) any person who by virtue of any fishing rights in any lake or river has an interest in the preservation of the fish therein; or
 - (b) any persons who have united themselves into a society for the preservation of any fishery in any lake or river; or
 - (c) the owner of any salmon fishery on the sea coast [^{F6}; or
 - (d) the licensee under a shell-fish fishery licence; or
 - (e) any licensees under such licences who have united themselves into a society for the protection of their shell-fish fisheries;]

may by instrument in writing in the form set out in Schedule 5 appoint any person (other than a person disqualified under subsection (7)) to be a private water bailiff for the protection of the fisheries in any such lake or river or the tributaries thereof, or on such part of the sea coast [^{F6} or for the protection of that shell-fish fishery or those shell-fish fisheries.]

- (2) A person appointed to be a private water bailiff shall not act in that capacity until his appointment is confirmed by a court of summary jurisdiction sitting for the petty sessions district (or any one such district where there are more than one) within which the private water bailiff is appointed to act.
- (3) A person making application under subsection (2) for confirmation of the appointment of a person as a private water bailiff shall, not less than fourteen days before the date of the hearing of the application, give notice in writing of the application to ^{F7} . . . [^{F8F7} . . . the Department, and ^{F7} . . .] [^{F6} the Department] shall be entitled to appear before the court, be heard and adduce evidence on the hearing of the application, and may do so by [^{F9} one of its officers] or by solicitor or counsel.
- (4) The confirmation of the appointment of a person as a private water bailiff shall be effected by the resident magistrate endorsing the instrument of appointment.
- (5) Where a court of summary jurisdiction has confirmed the appointment of a person to act as a private water bailiff within the petty sessions district for which the court sits or

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within any such districts of which that district is one, the court upon complaint made to it, may revoke the appointment, and thereupon the appointment shall be terminated.

[^{F8}(5A) Where a person who has appointed a private water bailiff revokes that appointment, that person shall, within 14 days of the revocation, serve written notice thereof on the clerk of petty sessions for the petty sessions district in which the court by which the appointment was confirmed, sits.]

[^{F8}(6) Where—

- (a) the appointment of a person as a private water bailiff has been confirmed under subsection (4) or revoked under subsection (5), or
- (b) notice of the revocation of such an appointment has been received under subsection (5A),

the clerk of the court shall notify the Department ^{F10} . . . of such confirmation or revocation or, as the case may be, such notice, as soon as practicable.]

(7) ^{F11}

[^{F8}(7A) Any person or society mentioned in paragraphs (a) to (e) of subsection (1) who employs any person to act as a private water bailiff shall, before 31st January in each year, make to [^{F12}the Department] a return in such form and containing such information as may be prescribed by [^{F13}regulations] .

(7B) [^{F12}The Department] shall maintain a register of the names and addresses of those who are entitled to act as private water bailiffs.

(7C) ^{F14}]

(8) If any person—

- (a) acts as a private water bailiff without having his appointment confirmed under subsection (4); or
- (b) so acts after his appointment has been revoked either by a court under subsection (5) or by his employer; [^{F8} or]

[^{F8}(c) fails to serve written notice under subsection (5A) within the time specified in that subsection; or

(d) fails to make a return to [^{F12}the Department] under subsection (7A) by the date specified in that subsection;]

he shall be guilty of an offence [^{F15} and shall be liable on summary conviction to a fine not exceeding £200].

(9) The powers conferred by this Part on a private water bailiff shall be exercisable only for the protection of the fishery specified in his instrument of appointment.

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| F6 | 1981 NI 7 |
| F7 | Words in s. 170(3) 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(30), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(b)(e) |
| F8 | 1991 NI 13 |
| F9 | 1981 NI 7 |
| F10 | Words in s. 170(6) 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(31)(a), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(b)(e) |

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- F11** S. 170(7) 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(31)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**
- F12** S. 170(7A)(7B)(8)(d): 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)**
- F13** S. 170(7A): 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)**
- F14** S. 170(7C) 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(31)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**
- F15** 1981 NI 7

[^{F16}170A Duration of appointments of private water bailiffs.

- (1) Any person whose appointment as a private water bailiff is confirmed after the coming into operation of Article 25 of the Fisheries (Amendment) (Northern Ireland) Order 1991 shall, unless his appointment is renewed in accordance with Schedule 5A, cease to be a private water bailiff on the expiration of the period of 5 years from the date of that confirmation.
- (2) Any person whose appointment as a private water bailiff was confirmed before the coming into operation of that Article of that Order shall, unless his appointment is renewed in accordance with Schedule 5A, cease to be a private water bailiff either—
 - (a) on the expiration of the period of 5 years from the date of that confirmation, or
 - (b) on the expiration of the period of 1 year from the date of the coming into operation of that Article of that Order,
 whichever period is longer.
- (3) In subsections (5), (5A), (6) and (8) of section 170 references (in whatever terms) to a person's appointment as a private water bailiff shall be construed as including references to the renewal of his appointment as such.
- (4) Nothing in this section shall preclude the re-appointment under section 170 of a person who ceases, by virtue of subsection (1) or (2), to be a private water bailiff.]

F16 1991 NI 13

171 Warrant for exercise of powers.

The production by an officer of [^{F17}the Department] or a private water bailiff of the instrument of his appointment shall be a sufficient warrant for his exercising the authority conferred on him by this Part, but the production of that instrument shall not be necessary unless he has been first required to produce it.

F17 S. 171: 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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