



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART XII

SUPPLEMENTAL PROVISIONS

LEGAL PROCEEDINGS

186 Complaints.

[^{F1}(1)] A complaint charging the commission of a summary offence under any provision of this Act may be heard and determined by a court of summary jurisdiction whether or not the complainant is an authorised person for the purposes of Part XI.

[^{F1}(2) Notwithstanding anything in Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981, summary proceedings for an offence under section 45 (including that section as applied by section 7A), or Part VII may be brought at any time within the period of six months from the date on which evidence, sufficient in the opinion of [^{F2}the Department] to justify a prosecution for the offence, comes to the knowledge of [^{F2}the Department] ; but no such proceedings shall be brought by virtue of this section more than two years after the commission of the offence.

(3) For the purposes of subsection (2) a certificate purporting to be signed [^{F3}on behalf of the Department] , as to the date on which such evidence as aforesaid came to the knowledge of [^{F2}the Department] , shall be conclusive evidence thereof.]

F1 1991 NI 13

F2 S. 186(2)(3): 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 Words in s. 186(3) 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\(39\)](#) (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)

S.187 rep. by 1981 NI 7

188 Jurisdiction in offences committed at sea.

- (1) [^{F4}The jurisdiction of any court of summary jurisdiction or lay magistrate] shall extend to all offences under any provision of this Act committed by any person at sea, in the same manner as it extends to offences committed on land ^{F5}....
- (2) Any court of summary jurisdiction or [^{F6}lay magistrate] referred to in subsection (1) may do all or any of the following acts or things in relation to any such offence as is mentioned in that subsection in like manner as it or he has power to do so in relation to offences committed or goods or chattels situate on land ^{F7}...—
- (a) issue warrants for the arrest of any person so offending, whether such person be on land at any place or at sea;
 - (b) employ any person or any ways and means which may be lawfully employed for making such arrest;
 - (c) exercise all lawful powers and remedies for the apprehension, committal or punishment of persons so offending;
 - (d) exercise all lawful powers and remedies for the seizure at sea of the boat, goods and chattels of any person so offending.

F4 Words in s. 188(1) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 58\(3\)\(a\)](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F5 Words in s. 188(1) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 58\(3\)\(a\), Sch. 9 Pt. 1](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F6 Words in s. 188(2) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 58\(3\)\(b\)](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F7 Words in s. 188(2) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 58\(3\)\(b\), Sch. 9 Pt. 1](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

189 Service of documents.

In addition to the methods of service permitted by section 24 of the Interpretation Act (Northern Ireland) 1954, any document which is required or permitted under this Act to be served on any person, being the [^{F8} master, charterer or owner] of or a person employed on a boat, may be served on that person by being left at or on board that boat.

F8 1981 NI 7

Ss.190, 191 rep. by 1981 NI 7

192 Additional defence for persons charged with buying, etc., undersized fish.

- (1) Where, under any provision of this Act, a person is charged with the offence of buying, selling, offering or exposing for sale or, as the case may be, having in his possession or having in his possession for sale [^{F9} any fish caught in contravention of any regulation made under section 124 or] any undersized fish, and he satisfies the court—
- (a) that he had no reason to suppose that any fish dealt with by him as described in this subsection [^{F9} had been so caught or] were undersized fish; and

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- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or by any person under his control;

the charge against that person shall be dismissed.

- (2) In subsection (1) “undersized” in relation to fish of any description means of a size less than the size prescribed with respect to fish of that description by, as the case may be, section 51(2), [F10 or 52(2)] [F11 or regulations under section 15(1)(c)(iv), [F12 or section 26(1)(f)] or an order under section 127.

F9 1981 NI 7

F10 1981 NI 7

F11 1968 c.31 (NI)

F12 Words in s. 192(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\(40\)](#) (with [Sch. 1 Pt. 1 para. 4\(3\)](#)); S.R. 2009/172, [art. 2\(a\)\(b\)](#)

193 Detention of offender pending return of warrant of distress.

- (1) Where, upon the conviction of any person for an offence under this Act, a warrant of distress is issued, the court may order the person so convicted to be detained and kept in custody, or, if he is not present, to be arrested and kept in custody, until the day appointed for the return of the warrant of distress (being a day not later than eight days from the day on which the warrant is issued) unless he enters into a recognisance to the satisfaction of the court for his appearance before the court on that day.
- (2) In this section the expression “court” means the court of summary jurisdiction before which the offender is convicted, and “warrant of distress” means a warrant of distress issued under the provisions of the Summary Jurisdiction Acts (Northern Ireland).

S.194 rep. by 1981 NI 7

Changes to legislation:

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