

Status: Point in time view as at 01/06/2009.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, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1 ^{F1} Sections 11(6), 76(4), 77(5), 84(4), 137(1)
(2), 143(1)(2).

SUSPENSION AND REVOCATION OF LICENCES

F1 functions transf. by SR 2003/163

1 Where the Ministry has reason to suspect that the holder of a licence has contravened any of the provisions of this Act relating to the fishery or, as the case may be, the fixed engine or fishing weir with respect to which the licence was issued, or any such provision of a ^{F2} . . . regulation, or any condition of the licence, the Ministry may, pending investigation of the suspected contravention and on giving notice in writing to the holder specifying the suspected contravention, suspend the licence.

F2 Words in Sch. 1 para. 1 repealed (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(48), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(b)(e)

2 When a licence is suspended under paragraph 1 the Ministry shall, within a period of twenty-eight days from the date of the suspension, either remove the suspension or revoke the licence under paragraph 3.

3 The Ministry may revoke a licence where the Ministry is satisfied that the holder of the licence has contravened—

- (a) any of the provisions of this Act relating to the fishery or, as the case may be, the fixed engine or fishing weir with respect to which the licence was issued, or any such provision of a ^{F3} . . . regulation; or
- (b) any condition of the licence;

or has, in his application for the licence, made a statement which is false in any material particular.

F3 Words in Sch. 1 para. 3(a) repealed (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(48), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(b)(e)

4 Where the Ministry proposes to revoke a licence, other than a licence suspended under paragraph 1 the Ministry shall give to the holder of the licence at least twenty-eight days' prior notice of its intention to do so and of the grounds upon which the revocation is proposed to be made; and before revoking the licence the Ministry shall consider any representations in relation thereto made by the holder before the expiration of the notice.

5 Where the Ministry revokes a licence the Ministry shall send by post a notice of the revocation to the person whose licence has been revoked, and the notice shall

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inform that person of his right of appeal under paragraph 6, and of the time within which the appeal may be brought.

6 A person whose licence has been revoked under paragraph 3 may, within twenty-eight days from the date on which a notice under paragraph 5 is served on him, appeal to the county court on the ground that there has not been any contravention or false statement such as is described in paragraph 3 or that the contravention or false statement was inadvertent or was of such a trivial or insignificant nature that the licence should not be revoked.

7 The county court, in deciding an appeal brought under paragraph 6, shall state the reasons for its decision, and its decision shall be final.

8 When a licence is suspended or revoked, the person who was the holder of the licence shall, within fourteen days of receiving a request for its return to the Ministry, return the licence to the Ministry together with any copies thereof issued to him by the Ministry, and if he fails to do so, he shall be guilty of an offence.

[^{F49} In this Schedule “contravention” , in relation to a condition of a licence, includes a failure to comply with that condition.]

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