



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

[^{F1}PART IX

SHELL-FISH FISHERY LICENCES

133 Form, conditions, duration and variation of shell-fish fishery licence.

- (1) A shell-fish fishery licence—
- (a) shall define the position and limits of the licensed area by reference to a map, either with or without descriptive matter (which, in the case of any discrepancy with the map, shall prevail except in so far as may otherwise be provided by the licence);
 - (b) without prejudice to subsection (2), may be subject to any conditions or limitations specified in the licence; and
 - (c) subject to subsections (3) and (4),—
 - (i) shall in the first instance be limited to a period of five years, and
 - (ii) on the expiration of that period shall, on the Department's being satisfied that reasonable progress has been, and is likely to continue to be, made in forming, developing and cultivating the shell-fish fishery, be renewed for a further period specified by the Department in writing, not exceeding 30 years, and
 - (iii) on the expiration of that period, on the Department's being satisfied as aforesaid, may be further renewed from time to time but not, on any occasion, for a period exceeding 30 years.
- (2) Where any consent mentioned in section 131(4) was given subject to any conditions or limitations, those conditions or limitations shall be specified in the licence.
- (3) Where a shell-fish fishery licence has been granted—
- (a) to the occupier (not being the owner) of a several fishery or of any land included in the licensed area;
 - (b) to any person with the consent of such an occupier ,

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 133. (See end of Document for details)

and the owner of the several fishery or land did not consent in writing to the grant of the licence, the licence shall remain in force only during the continuance in occupation of that occupier.

- (4) Where a shell-fish fishery licence is granted with the consent in writing of any owner or occupier and a period is named in the consent, the licence shall remain in force only for that period.
- (5) Subject to^{F1} subsections (5A) and (6)], a shell-fish fishery licence may be varied by the Department—
- (a) on the Department's own motion, after consultation with the licensee, within 10 years from the date on which the licence was granted (but not so as to extend the licensed area); or
 - (b) on the application of the licensee at any time;

and where an application is made under paragraph (b) for the variation of a licence (otherwise than solely by reducing the licensed area) sections 131(2) to (5) and 132 shall apply as they apply to the grant, or an application for the grant, of a licence.

[^{F1}(5A) Where the Department varies a licence under subsection (5)(a)—

- (a) the Department shall give to the applicant a written notification of the reasons for the variation; and
- (b) the applicant may, within 28 days from the day on which such notification is given, appeal to the Appeals Commission.]

- (6) A shell-fish fishery licence shall not be varied so as to affect any conditions or limitations subject to which a consent under section 131(4) was given, or any period named in such a consent, otherwise than with the consent in writing of the person or authority who gave the consent or his or its successor in title.

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