



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART XI

AUTHORISED PERSONS

POWERS

181 Procedure for disposal of fish seized or detained.

- (1) Where in the exercise of the powers conferred by section 127(10), 172^{F1}, 174] or 178 a person seizes or detains any fish and the fish is likely to become unfit for human food before the matter can conveniently be dealt with by a court, the succeeding provisions of this section shall have effect.
- (2) If the fish is a fish that may for the time being be lawfully taken, bought and sold, having regard to its kind, size and condition and the season of the year (in this section referred to as “lawful fish”), the person seizing or detaining the fish shall, in accordance with any directions given to him by the Ministry ^{F2} . . . , sell the fish, unless by virtue of an instruction given to him by the Ministry ^{F2} . . . on any occasion, or in accordance with the terms of any general authorisation in writing given to him by the Ministry ^{F2} . . . , he is permitted or required to dispose of it in some other manner.
- (3) If the fish is not lawful fish, the person shall destroy or otherwise dispose of it in accordance with any instruction or authorisation such as is referred to in subsection (2).
- (4) When a person proposes to sell, destroy or otherwise dispose of any fish in pursuance of subsection (2) or (3) he may produce the fish to a justice of the peace, and the justice of the peace may give to the person producing the fish a certificate in writing describing the fish and any marks, peculiarities or other particulars thereof pointed out to him by that person.
- (5) A certificate given by a justice of the peace under subsection (4) shall be *prima facie* evidence of all matters of fact such as are described in that subsection as are stated therein.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 181. (See end of Document for details)

- (6) Any sum of money representing the proceeds of sale of fish sold by a person under subsection (2) shall forthwith be paid by that person to the Ministry,^{F3} . . . and—
- (a) where no other person is charged with an offence under any provision of this Act in relation to the fish, any such sum shall be disposed of as the Ministry^{F3} . . . may direct;
 - (b) where some other person is charged with such an offence and is acquitted, a sum equal in amount to the net proceeds of the sale of the fish shall be paid to that other person by the Ministry^{F3} . . . ;
 - (c) where some other person is convicted of such an offence, a sum equal in amount to the net proceeds of sale of the fish shall be applied by the Ministry^{F3} . . . , in accordance with section 198, in the same manner as if the fish had been sold under that section.

F1 2001 c. 4 (NI)

F2 Words in s. 181(2) 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(35)(a), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F3 Words in s. 181(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(35)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

Changes to legislation:

There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 181.