



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART XII

SUPPLEMENTAL PROVISIONS

INTERPRETATION

206^{F1} Interpretation.

(1) In this Act—

“angling for salmon or trout” means angling for salmon or trout with rod and line;

“annual close season for angling for salmon” has the meaning given to it by section 95(1);

“annual close season for angling for trout” has the meaning given to it by section 95(2);

“annual close season for eels” has the meaning given to it by section 107;

“annual close season for pollen” has the meaning given to it by section 105;

“annual close season for salmon and trout” has the meaning given to it by section 89;

[^{F2}“the Appeals Commission” has the meaning given in section 11A(3);]

“authorised person”, for the purposes of Part XI, has the meaning given to it by section 166;

“bag net” includes any net of similar construction to a bag net;

“bank” includes the sea-shore and any land adjacent thereto;

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.....

“boat” includes any ship, barge, cot, curragh or vessel;

“box”, in relation to a fishing weir, includes a crib or cruive;

[^{F4} “bring to land” in relation to fish includes bringing the fish within the limits of a harbour;]

[^{F5} “brown eels” means eels other than silver eels;]

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.....

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 206. (See end of Document for details)

Definitions rep. by 1981 NI 7

“dam” means a dam, weir, dyke, sluice, embankment or structure built or placed in or in connection with any river for or in connection with the sustaining of water for any purpose [^{F5} but does not include an embankment erected solely to prevent erosion of the banks of the river or to protect adjacent lands from flooding];

“daytime” means the period between sunrise and sunset;

“dealer's licence” has the meaning given to it by section 113(1);

“deleterious matter” means any substance (including an explosive and an anaesthetic) the entry or discharge of which into any waters is liable to render those or any other waters poisonous or injurious to fish, spawning grounds or the food of any fish, or to injure fish in their value as human food or to impair the usefulness of the bed and soil of any waters as spawning grounds or their capacity to produce the food of fish;

“district board” means any of the boards of conservators referred to in section 34(2);

“draft net” includes a seine;

“eels” means fresh water eels;

“eel weir” means a fishing weir used solely for taking eels;

“estuary” includes a harbour or roadstead;

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“fish” includes shell-fish;

[^{F4} “fish farm” shall be construed in accordance with section 10;]

“fish pass” means a channel for the free run or migration of fish in, over or in connection with an obstruction in a river, lake or watercourse and includes a fish ladder or any other contrivance which facilitates the passage of fish;

“fisheries” includes all fisheries, whether several or public;

“the Fisheries Acts” means the Fisheries Acts (Northern Ireland) 1842 to 1954;

“fishing engine” means any engine, net, instrument or device whatsoever capable of being used for taking or killing fish;

“fishing licence” means a fishing licence [^{F6}, except in sections 41, 45 and 179,] issued by [^{F7}the Department] under Part III;

“fishing weir” means any erection, structure or obstruction fixed to the soil across or partly across a river and incorporating one or more openings wherein fish may be taken which is used for the purpose of taking, or facilitating the taking of, fish; but does not include a fixed engine;

“fixed engine” means—

(a) any stake, bag, stop and still or fixed draft net; or

(b) any net, implement, engine or device fixed to the soil or secured by anchors or held by hand or made stationary in any other way and used solely for the purpose of taking or facilitating the taking of fish, not being a fishing weir, or a rod and line (however used)[^{F2} or a handline];

“the Foyle Fisheries Acts” means the Foyle Fisheries Acts (Northern Ireland) 1952 and 1962;

“free gap” means a free gap in a fishing weir;

“freshwater fish” means any fish living in fresh water exclusive of fish of a kind that migrates to or from tidal waters;

Definitions rep. by 1968 c.31 (NI); 1981 NI 7

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 206. (See end of Document for details)

“heck” means a grating mounted at the upstream end of a box in a fishing weir and so constructed as to prevent the passage of fish without obstructing the flow of water;

“inquiry” means an inquiry conducted under section 20;

“inland fishery” means any fishery of whatsoever kind, other than a salmon fishery, in inland waters;

“inland waters” means the waters of any river above the boundary between the tidal and freshwater portions thereof, and the waters of any freshwater lake;

“inscales” means a pair of gratings mounted at the downstream end of a box in a fishing weir and converging towards the centre in the upstream direction to form between the upstream ends a vertical gap, the effect of the arrangement being to permit the passage of fish into the box and hinder their escape therefrom;

“instrument” and “statutory instrument”, when used in relation to an instrument in writing, have the same meaning as in section 1 of the Interpretation Act (Northern Ireland) 1954, and a reference to an instrument, or to an instrument of any kind, made under this Act includes a reference to an instrument deemed to be made under this Act;

“lawful fishing engine” means any fishing engine the use of which (except during particular times, in particular places, or in a particular manner) is not prohibited by or under this Act;

“licensee”, in relation to [^{F8} a shell-fish fishery licence] means the person for the time being entitled to that licence;

“the Londonderry Area” has the meaning given to it by section 2(1) of the Foyle Fisheries Act (Northern Ireland) 1952 ;

“the Ministry” means the Ministry of Agriculture;

“the Minister” means the Minister of Agriculture;

“net” includes all descriptions of tackle, trawl, trammel, stake, bag, coghill, fyke, eel, haul, draft and seine nets, and all other engines or devices, of whatsoever construction or materials, or howsoever known or styled, which are used for the taking of fish;

[^{F9}“Northern Ireland zone” has the same meaning as in the Northern Ireland Act 1998;]

[^{F10}“the Newry Area” has the meaning given to it by section 2(1) of the Foyle Fisheries (Northern Ireland) Act 1952;]

“open fishing season” in relation to fish of any kind means any season that is not the annual close season for such fish;

“owner”, in relation to land, has the same meaning as in section 2 of the Public Health (Ireland) Act 1878 ;

Definitions rep. by 1981 NI 7

[^{F5} “package” includes any tank or other container;]

“private water bailiff” means a water bailiff appointed under section ...^{F11} 170;

“regulations” means regulations made by the Ministry;

“river” includes a tributary or a branch of a river and any stream or watercourse;

“rod and line” means a fishing engine consisting of a single rod and line;

“salmon” includes all fish of the salmon kind and sea trout;

“salmon fishery” includes any salmon fishery, whether in fresh water, any estuary or the sea;

“salmon river” means any river that is frequented by salmon;

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 206. (See end of Document for details)

Definition rep. by 1968 c.31 (NI)

“salmon weir” means a fishing weir used for taking salmon;

“sea-fish” means fish of any kind found in the sea, but does not include salmon;

“sea-fishery” includes any fishery, other than a salmon fishery, in the sea or an estuary;

“sea-fishing boat” does not include a boat used for fishing for salmon in the sea;

“several fishery” means any fishery lawfully possessed and enjoyed as such under any title whatsoever, being a good and valid title at law, exclusively of the public by any person or persons whether in navigable waters or in waters not navigable, and whether the soil covered by such waters be vested in such person or persons or in any other person;

“shell-fish” includes all edible aquatic molluscs and crustaceans;

[^{F4} “shell-fish fishery licence” means a licence granted under section 131 and includes a licence which is deemed to be such a licence by virtue of paragraph 2 of Schedule 3 to the Fisheries Amendment (Northern Ireland) Order 1981 ;]

[^{F5} “silver eels” means physiologically maturing eels in spawning livery;]

Definition rep. by 1981 NI 7

“stake net” includes a stake weir and any fixed engine of similar construction to a stake net;

“statutory provision” has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954 ;

“substance” includes any liquid or gas;

“trout”, when used without any qualification, includes—

(a) all fish of the brown trout kind; and

(b) save in Part III, sections 51 and 71, Part VI (except as provided in section 106), Part VII and Schedule 4, pollen or fresh-water herring;

but does not include sea trout or rainbow trout;

“unseasonable” when used with respect to any fish means a fish which is about to spawn, or which has spawned and has not recovered from spawning;

“waste lands” includes any uncultivated or unoccupied lands;

“waters” includes any river, lake, watercourse or estuary or any part of the sea [^{F9} within the Northern Ireland zone];

Definition rep. by SI 2002/790

“weekly close time” has the meaning assigned to it by section 97.

- (2) References in this Act to a fish or to any kind of fish shall be construed as including—
- (a) references to part of a fish or to part of a fish of that kind; and
 - (b) references to the spawn, fry, brood or young of fish or of fish of that kind.
- (3) Where an order under section 16 defines the mouth of a river, the mouth of a tributary river, the boundary between the tidal and freshwater portions of a river, the point or points to or from which distances are to be measured ... ^{F12} any areas within which it is prohibited to use or practice certain methods of fishing, [^{F5} or the boundary at sea between so much of [^{F9} the Northern Ireland zone] as is within, and so much thereof as is without, the Londonderry Area,] such mouth, boundary, point or points, or areas shall for all purposes of and all proceedings under this Act be as so defined for the time being.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 206. (See end of Document for details)

- (4) References in this Act to the landing of fish shall not include the landing of fish which have previously been landed outside Northern Ireland.
- (5) Subject to section 127(11), references in any provision of this Act which relates to the buying, selling, offering or exposing for sale or having possession of fish of any kind to fish of that kind shall not be construed as including references to fish of that kind which have been^{F2} preserved by drying, smoking, cooking or canning].
- ^{F5}(5A) References in section 111 ...^{F11} to the buying, selling, offering or exposing for sale or having possession for sale, or possession, of fish of any kind during any particular period shall not be construed as including references to the buying, selling, offering or exposing for sale or having possession for sale, or possession, of fish of that kind which have been lawfully taken or killed outside that period and preserved by freezing.]
- (6) Any reference in this Act to an offence under a provision of this Act shall include a reference to an offence under any statutory instrument made by virtue of a provision of this Act.

F1 Mod., 1967 c.7 (NI)

F2 1991 NI 13

F3 S. 206(1): definitions of "the Board", "byelaws" and "financial year" 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(45), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F4 1981 NI 7

F5 1968 c.31 (NI)

F6 Words in s. 206(1) in definition of "fishing licence" inserted (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), 34(1), **Sch. 2 para. 2(13)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

F7 S. 206(1): 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)**

F8 1981 NI 7

F9 SI 2002/790

F10 SI 1999/859

F11 1981 NI 7

F12 1968 c.31 (NI)

Changes to legislation:

There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 206 .