



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART I

FUNCTIONS OF THE MINISTRY OF AGRICULTURE

DEVELOPMENT AND IMPROVEMENT OF FACILITIES FOR ANGLING

[^{F14} Provisions supplemental to sections 3 and 3A.

- (1) The following provisions of this section shall have effect where—
 - (a) the Department has under section 3—
 - (i) undertaken the development of any waters for angling, or
 - (ii) authorised an approved developer to undertake such development in accordance with an approved scheme; and
 - (b) a person claiming to be entitled to fishing rights in respect of those waters (in this section referred to as "the owner") thereafter produces to the Department proof of his title to the rights.
- (2) Where the Department is the occupier of the waters, the Department shall be entitled to remain in occupation for the period of 5 years from the date on which the owner produces to the Department proof of his title to the fishing rights in respect of the waters.
- (3) Where an approved developer is the occupier of the waters, that developer shall be entitled to remain in occupation until the expiration of—
 - (a) the period of 5 years from the date on which the owner produces to the Department proof of his title to the fishing rights in respect of the waters, or
 - (b) the specified period,whichever is the earlier.
- (4) On the expiration of the period for which the occupier is by virtue of subsection (2) or (3) entitled to remain in occupation of the waters, the occupier shall cease to occupy the waters forthwith; but nothing in this subsection or in subsection (3) shall prejudice the Department's powers under section 3A(6) and (7).

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 4. (See end of Document for details)

- (5) The occupier shall pay compensation to the owner in respect of its occupation of the waters for the period beginning—
- (a) if the occupier is the Department, on the date when the Department first began to undertake the development of the waters; or
 - (b) if the occupier is an approved developer, on the date when the Department authorised that developer to undertake the development of the waters in accordance with an approved scheme;
- and ending on the date when, in accordance with subsection (2) or (3), the occupier ceases to be entitled to occupy the waters.
- (6) Any question as to—
- (a) the sufficiency of any evidence tendered by the owner in proof of his title to the fishing rights;
 - (b) whether compensation is payable under subsection (5); or
 - (c) the amount of such compensation;
- shall, in default of agreement, be referred to and determined by the Lands Tribunal.
- (7) No proceedings shall be brought under subsection (6) after the expiration of the period of one year from the date on which the occupier is obliged by virtue of section 3A(8) or subsection (4) of this section to cease to occupy the waters.
- (8) When assessing compensation under subsection (6), the Lands Tribunal shall have regard to—
- (a) the extent to which fishing rights in the waters were exercised by the owner during the 10 years immediately preceding the date when the Department first began to undertake the development of the waters or, as the case may be, authorised the approved developer to undertake such development in accordance with an approved scheme; and
 - (b) the value of any development of the waters for angling, undertaken by the occupier.
- (9) Occupation of any waters such as are mentioned in subsection (1) shall not confer on the occupier any rights in respect of such waters other than those mentioned in section 3 or this section.
- (10) In this section—
- “the occupier” means—
- (a) where the Department has undertaken the development of waters for angling, the Department, and
 - (b) where the Department has authorised an approved developer to undertake such development in accordance with an approved scheme, that developer;
- “the owner” has the meaning given in subsection (1)(b).]

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