



# Fisheries Act (Northern Ireland) 1966

## 1966 CHAPTER 17

### PART IV

#### PROTECTION OF FISHERIES

##### OBSTRUCTIONS TO PASSAGE OF FISH

#### **53 Removal of natural obstructions in rivers to allow free passage of fish.**

- [<sup>F1</sup>(1) Where in a river natural obstructions of any kind prevent or impede the free passage of fish, the Department may—
- (a) on the application of any person interested in a fishery in the river, authorise the construction of such works or the making of such alterations in the bed of the river as to secure the free passage of fish at all times, or
  - (b) construct such works or make such alterations,
- if (in either case) the Department is satisfied that the works or alterations will not impair the effective working power of any mill or the drainage of any lands.]
- (2) Any works constructed or alterations made under [<sup>F2</sup>subsection (1)(a)] shall be executed in accordance with plans, sections and specifications approved by the Ministry.
- (3) Subject to subsection (6), the cost of any work or alterations authorised under [<sup>F2</sup>subsection (1)(a)] shall be borne by the person on whose application the authorisation is given.
- (4) Where, under subsection (1), the Ministry authorises the construction of works or the making of alterations in the bed of a river, the Ministry may, by agreement with the person on whose application the authorisation is given, cause the works or alterations so authorised to be executed.
- (5) For the purposes of the execution of any works or alterations [<sup>F3</sup>under subsection (1) (a) or] in pursuance of an agreement made under subsection (4), the Ministry may, in so far as is reasonably necessary for or incidental to those purposes, do such of the things referred to in Schedule 2 to the Drainage Act (Northern Ireland) 1947 <sup>F4</sup>

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*Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 53. (See end of Document for details)*

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(clearing, widening, deepening, etc., of water courses) as are appropriate thereto, and in the doing thereof may to the like extent exercise any power which is exercisable by it under that Act as extended by any other enactment, other than a power of acquiring land compulsorily.

- (6) Section 13 of the Drainage Act (Northern Ireland) 1964 <sup>F4</sup> (power of Ministry to contribute to cost of works) shall have effect with respect to works or alterations executed under this section in like manner as it has effect with respect to works executed under section 12 of that Act, and as if after the reference therein to the said section 12 there were inserted a reference to this section.
- (7) Where the execution of any works or alterations in pursuance of an authorisation given under subsection (1) results in damage or injury to any person, that person may recover compensation from the person on whose application the authorisation was given.<sup>F5</sup>; and where the execution of any works or alterations by the Department under subsection (1)(b) results in damage or injury to any person, that person may recover compensation from the Department.]

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| <b>F1</b> | S. 53(1) substituted (1.6.2009) by <b>Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3)</b> , ss. 1(3)(b), 7(1), <b>Sch. 1 Pt. 2 para. 3(11)</b> (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, <b>art. 2(a)(b)</b>             |
| <b>F2</b> | Words in s. 53(2)(3) substituted (1.6.2009) by <b>Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3)</b> , ss. 1(3)(b), 7(1), <b>Sch. 1 Pt. 2 para. 3(12)</b> (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, <b>art. 2(a)(b)</b> |
| <b>F3</b> | Words in s. 53(5) inserted (1.6.2009) by <b>Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3)</b> , ss. 1(3)(b), 7(1), <b>Sch. 1 Pt. 2 para. 3(13)</b> (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, <b>art. 2(a)(b)</b>       |
| <b>F4</b> | 1973 NI 1  |
| <b>F5</b> | Words in s. 53(7) added (1.6.2009) by <b>Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3)</b> , ss. 1(3)(b), 7(1), <b>Sch. 1 Pt. 2 para. 3(14)</b> (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, <b>art. 2(a)(b)</b>          |

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 53.