



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART I

FUNCTIONS OF THE MINISTRY OF AGRICULTURE

DEVELOPMENT AND IMPROVEMENT OF FACILITIES FOR ANGLING

6 Programme for the development, etc., of waters for angling.

- (1) A person applying to the Ministry under subsection (1) of section 5 for any assistance such as is described in paragraph (i) or (ii) of that subsection, or a person so applying on behalf of any association, shall submit to the Ministry a programme for the development or improvement of the waters with respect to which the application is made, and the Ministry may approve the programme without modification or subject to any modification that may be agreed upon between the Ministry and the applicant, or may refuse to approve the programme.
- (2) In determining the amount of any grant for which application is made under section 5(1)(i) or the nature or extent of any works proposed to be executed or thing to be done under section 5(1)(ii), the Ministry shall have regard to—
 - (a) the security of tenure of the applicant or, as the case may be, the association or any of their members of any estate in land by virtue of which any right of taking fish in those waters is exercisable by him or them;
 - (b) any representations made to the Ministry by any other person who has such an estate in land, and the willingness of any such other person to enter into an agreement with the Ministry or the applicant for the furtherance of the purposes of the programme;
 - (c) the provisions of the programme with respect to the amount of any financial contribution to be made or work to be done for the purposes of the programme by the person making the application or, as the case may be, the association or any of their members;
 - (d) the amount of any contribution to be made for the purposes of the programme by a district council^{F1} under section 37 of the Local Government (Ireland) Act 1898 ;

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 6. (See end of Document for details)

- (e) any other sources of financial assistance available to the applicant; and
 - (f) the extent to and the terms on which facilities for angling in the waters to which the programme relates will be made available to members of the public or any section thereof.
- (3) A programme approved by the Ministry under subsection (1) may be modified with the Ministry's approval, and thereafter shall have effect for the purposes of this section as so modified.
- (4) Subject to subsection (5), where the Ministry has approved a programme under this section, the Ministry may revoke its approval if, at any time before the carrying out of the programme is completed, it appears to the Ministry—
- (a) that any term of the programme or any condition imposed in connection with the payment of a grant or instalments thereof, or the execution of any works, or the doing of any thing, under section 5 in relation to the programme has not been, or is not likely to be, complied with; or
 - (b) that in connection with an application for approval of the programme or of any modification of the programme the applicant gave information which was false or misleading in a material respect;
- and if before the revocation any payment is made by way of grant in respect of the programme, the Ministry may recover the payment, or so much thereof as it thinks fair, as a simple contract debt in any court of competent jurisdiction.
- (5) Before revoking an approval under subsection (4), the Ministry shall—
- (a) give to the applicant or any other person to whom any grant would be payable by the Ministry under the programme, or from whom any payment of such a grant would be recoverable, a written notification of the reasons for the proposed revocation; and
 - (b) afford to each such person an opportunity of appearing before and being heard by a person appointed for the purpose by the Ministry; and
 - (c) consider the report of the person so appointed and supply a copy of the report to each person who was entitled to appear before the person submitting it.
- (6) For the purpose of giving effect to the provisions of a programme to which the Ministry has given its approval under this section, or of securing the observance by any person of conditions attached to such approval, the Ministry may enter into an agreement with any person or association, by or on behalf of whom the programme was submitted, or with any person acting on behalf of such an association, or with any other person such as is referred to in subsection (2)(b), on such terms and conditions as the Ministry thinks fit; and without prejudice to the generality of the foregoing provisions of this subsection, the agreement may include provisions for ensuring that any disposition by any such person or association of fishing rights over the waters to which the programme relates or of any land held in connection therewith shall be made on such terms as may be appropriate for securing the continued observance of the conditions by his or their successors in title.

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