



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART V

REGULATION OF FISHING FOR SALMON, EELS AND FRESHWATER FISH

PROHIBITION OF FISHING WEIRS AND FIXED ENGINES, WITH CERTAIN EXCEPTIONS

76 Power of Ministry to authorise the alteration of sites of fixed engines.

- (1) The owner of a fixed engine in respect of which a certificate has been granted under section 6 of the Salmon Fishery (Ireland) Act 1863 may apply to the Ministry for permission to remove the fixed engine from the place or position specified in the certificate and to erect it at some other place or in some other position.
- (2) If the Ministry, after causing a local public inquiry to be held, is satisfied that the removal and re-erection of the fixed engine will not unduly interfere with the reasonable and legitimate interests of any other person, the Ministry may grant a licence authorising the owner of the fixed engine to remove it from the place or position specified in the certificate and [^{F1} for him and his successors in title] to erect and use it at such other place or in such other position, and subject to such conditions, and such limitations as to time or otherwise, as may be specified in the licence.
- (3) If the Ministry is satisfied that it is expedient in the interests of the salmon fisheries to revoke a licence granted under this section, or to vary the provisions of such a licence with respect to—
 - (a) the place or position in which a fixed engine is by the licence authorised to be erected and used, or
 - (b) any conditions or limitations contained in the licence,

the Ministry may revoke the licence or, as the case may be, may make such variation in the terms of the licence as the case may require; but the Ministry shall not revoke or vary a licence under this subsection unless at least twenty-eight days' notice of the revocation or the proposed variation has been given to the holder of the licence, and, if the holder, before the expiration of the notice, so requires, the Ministry has caused a local public inquiry to be held.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 76. (See end of Document for details)

- (4) Without prejudice to subsection (3), a licence granted under this section may be suspended or revoked in accordance with the provisions of Schedule 1.
- (5) Nothing in this section shall be deemed to empower the Ministry to authorise the erection of any fixed engine at a place or in a position where its use would be injurious to navigation or would contravene the provisions of any enactment.
- (6) Where, by licence under this section, the Ministry authorises any person to erect and use a fixed engine at a place or in a position other than that specified in the certificate referred to in subsection (1), for the purposes of this Act the certificate shall have effect during the currency of the licence as if the reference in the certificate to the place or position so specified were a reference to the first-mentioned place or position.

Annotations:

F1 [1968 c.31 \(NI\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 76.