



# Fisheries Act (Northern Ireland) 1966

## 1966 CHAPTER 17

### PART V

#### REGULATION OF FISHING FOR SALMON, EELS AND FRESHWATER FISH

##### REGULATIONS AS TO FISHING WEIRS

#### **81 Free gaps in fishing weirs.**

- (1) In every fishing weir (other than an eel weir with respect to which a licence granted by the Ministry under section 84 is for the time being in force) there shall be a free gap or opening in accordance with the following provisions:—
- (a) the free gap shall be situate in the deepest part of the stream;
  - (b) the sides of the free gap shall be in line with and parallel to the direction of the stream at the weir;
  - (c) the bottom of the free gap shall be level with the natural bed of the stream above and below the gap;
  - (d) the width of the free gap at its narrowest part shall be not less than one-tenth part of the width of the stream:  
  
Provided that it need not be wider than<sup>[F1]</sup> 15.2 metres], and must not be narrower than<sup>[F1]</sup> 91 centimetres];
  - (e) no existing free gap in any fishing weir shall be reduced in width or a gap of less width substituted therefor or any alteration made therein so as to reduce the flow of water through the gap.
- (2) The requirements of subsection (1), in so far as they relate to the provision of a free gap in every fishing weir, shall, in the case of a fishing weir in which there was no free gap on 1st January, 1965, be deemed to be complied with if immediately adjoining the weir there then was and continues to be a navigation gap which conforms in form and dimensions to the requirements of that subsection, and all the provisions of this Act which apply to free gaps in fishing weirs (other than those which require the free gap to be in the weir) shall apply to any such navigation gap.

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*Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 81. (See end of Document for details)*

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- (3) Where there is no free gap in a fishing weir or where a free gap has been made in a fishing weir but is not maintained in accordance with subsection (1), then, unless that fishing weir is an eel weir which is for the time being excepted from the application of subsection (1), the owner and the occupier of the fishing weir shall each be guilty of an offence ...<sup>F2</sup>.
- (4) Where the provisions of subsection (1) have been contravened<sup>F3</sup> . . . the Ministry, may provide or restore a free gap and may recover from the owner or the occupier of the fishing weir any expenses reasonably incurred in executing the works undertaken for that purpose.

**F1** SR 1983/100

**F2** 1981 NI 7

**F3** Words in s. 81(4) repealed (1.6.2009) by virtue of [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(19), [Sch. 3](#) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, [art. 2\(b\)\(e\)](#)

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