



Diseases of Fish Act (Northern Ireland) 1967

1967 CHAPTER 7

An Act to make provision respecting diseases of fish.

[23rd May 1967]

1 Infected waters order.

- (1) Where the Ministry of Agriculture (in this Act referred to as “the Ministry”) has reason to believe as respects any area that any waters in the area are infected waters, the Ministry may by order (in this Act called an “infected waters order”) declare the area to be an infected area for the purposes of this Act and may by the same or a subsequent infected waters order make provision for the prevention, eradication and control of fish disease in that area, including provision for—
- (a) the examination or treatment of any fish in all or any waters in the area or of the carcasses of any such fish by authorised persons and for the treatment of such waters by authorised persons;
 - (b) prohibiting or regulating the transport of any species, condition or description of dead fish found or taken in the area, or of live fish or food for fish to, from or within the area;
 - (c) prohibiting or regulating any method of fishing or taking fish in all or any waters in the area;
 - (d) so far as practicable, controlling, or reducing the incidence of, any disease with which any waters in the area are infected;
 - (e) prescribing and regulating the destruction, burial, disposal or treatment of carcasses of fish found in or near any waters in the area or, if the carcasses are those of infected fish, elsewhere in the area including in or upon the premises or vehicle or stall of any fish dealer or carrier and for the disinfection or treatment of any such premises, vehicle or stall;
 - (f) naming, for the purposes of this Act and of any order made under this Act, any disease not appearing to the Ministry to fall within a recognised description or scientific classification.

Status: Point in time view as at 01/06/2008.

Changes to legislation: There are currently no known outstanding effects for the Diseases of Fish Act (Northern Ireland) 1967 (repealed). (See end of Document for details)

- (2) The owner of any several fishery in any waters in an area declared by an infected waters order to be an infected area shall be entitled, on application, to be supplied by the Ministry free of charge with a report of the evidence on which the order was made.
- (3) An infected waters order shall be subject to negative resolution.
- (4) Any person who acts in contravention of any provision of an infected waters order shall be guilty of an offence against this Act.

2 Provisions as to infected waters.

- (1) Where an infected waters order is in force declaring an area to be an infected area—
 - (a) if that area or part of that area is outside the Londonderry area [^{F1}or the Newry Area], any inspector or water bailiff appointed by and acting on behalf of the Fisheries Conservancy Board for Northern Ireland; and
 - (b) [^{F2}if that area or part of that area is within the Londonderry Area or the Newry Area, an inspector or fishery officer appointed by and acting on behalf of the Foyle, Carlingford and Irish Lights Commission;]
 - (c) in either case, an authorised person,

may at any time take or kill, in any waters in that area and without the permission of any person having any estate or interest in any several fishery in those waters, any fish or remove from any such waters any carcasses of fish notwithstanding that the taking or killing of the fish in or their removal from those waters would then (but for this subsection) be prohibited by law and may do so by such methods (including methods otherwise illegal) as the said Board or Commission (as the case may be) or the Ministry may authorise for the purpose.
- (2) Where an infected waters order is in force declaring an area to be an infected area, the Ministry, if satisfied that for the protection against disease of the stock of fish in any waters it is necessary so to do, may in writing, authorise the owner of any several fishery in that area at any time in the waters of that fishery to take or kill any fish or remove from those waters any carcasses of fish, notwithstanding that the taking or killing of fish from those waters would then (but for this subsection) be prohibited by law, and notwithstanding anything in any agreement or document affecting that fishery to the contrary, and to do so by such agents and by such methods (including methods otherwise illegal) as the Ministry may authorise for the purpose.
- (3) Where the owner of a several fishery in any waters or an authorised person has in pursuance of an authority conferred under this section removed any fish from those waters, he shall comply with any directions given to him by the Ministry as to the manner in which those fish are to be dealt with or disposed of, and, if he neglects or fails to comply with any such directions or with the provisions of subsection (4) he shall be guilty of an offence against this Act.
- (4) Where an infected waters order is in force declaring an area to be an infected area, any owner of a several fishery in any waters in that area who (whether acting pursuant to any authority given to him by the Ministry under subsection (2) or otherwise) removes or knowingly causes or allows to be removed from those waters any diseased fish or carcasses of fish shall, within seven days or such longer time as the Ministry may allow, notify to the Ministry the number, species and description of the fish so removed and shall furnish to the Ministry such further information respecting such fish as the Ministry may reasonably require.

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- F1** Words in s. 2(1)(a) inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 34(1), **Sch. 2 para. 3(1)(a)** (with art. 32); S.R. 2008/232, **art. 2**, Sch. 2, Sch.
- F2** S. 2(1)(b) substituted (1.6.2008) by virtue of Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 34(1), **Sch. 2 para. 3(1)(b)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

3 Risk of infection orders.

- (1) Where the Ministry is satisfied that there is a likelihood of any waters becoming infected waters the Ministry may make an order (in this Act called a “risk of infection order”) prohibiting the bringing, otherwise than under the authority and in accordance with the terms of a written permit issued by the Ministry, into Northern Ireland, or into any part of Northern Ireland specified in the order, of—
- (a) any fish or species, condition or description of fish whether alive or dead other than^{F3}. . . canned or cooked fish duly imported into Northern Ireland in compliance with any regulations for the time being in force relating to matters of public health or food hygiene; or
- (b) any food for fish.
- (2) If and so long as a risk of infection order is in force in any part of Northern Ireland, the Ministry, notwithstanding anything to the contrary in any other enactment, may, by agreement with the owner or occupier of any land (including land covered by water) and with the owners of any several fishery in any waters in that part to and from which the passage of fish might be hindered, erect and maintain on that land and athwart any waters in that part a barrier for the purpose of preventing fish entering any waters in that part or for facilitating the examination or treatment of fish in, approaching or leaving those waters.
- (3) A risk of infection order shall be subject to negative resolution.
- (4) Any person who acts in contravention of any of the provisions of a risk of infection order or of any authority issued by the Ministry for the purposes of such an order or who damages, interferes with or removes any barrier erected or maintained under subsection (2) shall be guilty of an offence against this Act.

F3 1991 NI 13

Modifications etc. (not altering text)

- C1** S. 3 excluded (1.11.2006) by Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006 (S.R. 2006/401), reg. 33, **Sch. 8** (with reg. 3)

4 Right of fishery owners to make representations.

Any person who satisfies the Ministry that he has an interest in any fishery affected or which may be affected by an Order made or to be made by the Ministry under this Act shall have the right to make representations to the Ministry with respect to the making or continuance of any such Order and the Ministry shall take any such representations into account.

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5 Application of certain provisions of 1966 c.17.

The following provisions of the Fisheries Act (Northern Ireland) 1966, that is to say,—
 section 172 (General powers of authorised persons)
 section 176 (Apprehension of offenders)
 section 178 (Powers of inspection, examination and detention)
 section 182 (Penalty for assaulting authorised persons)
 section 183 (Obstructing or impeding authorised persons)
 section 184 (Giving warning to persons unlawfully fishing)
 section 185 (Indemnification of authorised persons)
 sections 195 to 199 (Forfeitures upon conviction) and so far as they relate to any of those provisions,
 section 201(1) (Penalties not specifically provided for)
 section 204 (Proof of documents) and
 section 206 (Interpretation)

shall have effect for the purposes of this Act and or orders made under this Act with the following modifications:—

- (a) references therein to authorised persons within the meaning of that Act or to officers or persons exercising powers conferred by Part XI of that Act or by any provision of that Part shall be construed as references to authorised persons within the meaning of this Act;
- (b) references in those provisions [^{F4} except section 201(1)] to that Act or to any provision thereof shall be construed as references to this Act or to any provision of this Act or any order made under this Act;
- (c) ^{F4}section 201(1), as well as applying to offences under other provisions of that Act mentioned in this section which do not themselves provide for penalties, shall apply also to offences against this Act (and for that purpose the first reference in that subsection to that Act includes this Act and the words from “for which” to “section” are inoperative).]

F4 1981 NI 7

S.6 rep. by 1981 NI 7

7 Expenditure.

- (1) The Ministry with the approval of the Ministry of Finance may incur expenditure in or in connection with the dissemination of information as to the prevention, control, reduction of incidence or cure of any disease affecting fish.

Subs.(2) rep. by SLR 1976

8 Interpretation.

In this Act—

- “authorised person” means an officer of the Ministry or other person authorised by the Ministry to act as an authorised person for the purposes of this Act;
- “carcase” includes any part of a dead fish;
- “fish” includes ova or fry;

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“food for fish” means any substance used, or intended or likely to be used, or whose produce or offspring is intended or likely to be used, as food for fish, including natural food;

“infected” means infected or showing signs of being infected with any disease whatsoever (whether or not falling within a recognised description or scientific classification) harmful to fish or hindering the natural propagation of healthy stocks of fish;

“infected waters” means waters in which any such disease exists among fish or in which any causative organisms of any such disease are present;

“infected waters order” has the meaning assigned to it in section 1(1);

“the Londonderry Area” has the meaning assigned to it by section 2(1) of the Foyle Fisheries Act (Northern Ireland) 1952 ;

“the Ministry” has the meaning assigned to it by section 1(1);

[^{F5}“the Newry Area” has the meaning assigned to it by section 2(1) of the Foyle Fisheries Act (Northern Ireland) 1952;]

“risk of infection order” has the meaning assigned to it by section 3(1);

“waters” means any waters (including any fish farm or hatchery, which are frequented by, or used for keeping, any fish, or food for fish, and includes the banks and margins of any such waters and any buildings used in connection therewith.

F5 S. 8: definition of "the Newry Area" inserted (1.6.2008) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), 34(1), **Sch. 2 para. 3(2)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

9 Short title.

This Act may be cited as the Diseases of Fish Act (Northern Ireland) 1967.

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