



Foyle Fisheries Act (Northern Ireland) 1952

1952 CHAPTER 5

PART VII

POWERS OF AUTHORISED PERSONS

[^{F1}59 Power of lay magistrate to grant warrant to enter certain premises.

- (1) If a lay magistrate is satisfied by complaint on oath that the first condition is satisfied and that the second or third condition is satisfied he may issue a warrant authorising an authorised person to enter any premises, if necessary using reasonable force, for any of the purposes mentioned in section 63(1).
- (2) The complaint shall include—
 - (a) a statement as to whether any representations have been made by the occupier of the premises to an authorised person concerning the purpose for which the warrant is sought;
 - (b) a summary of any such representations.
- (3) The first condition is that there are reasonable grounds for an authorised person to enter the premises for that purpose.
- (4) The second condition is that each of the following applies to the occupier of the premises—
 - (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;
 - (b) he has failed to allow entry to the premises on being requested to do so by an authorised person;
 - (c) he has been informed of the decision to apply for the warrant.
- (5) The third condition is that—

Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, Section 59. (See end of Document for details)

- (a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premise, or
 - (b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.
- (6) A warrant issued under this section shall not continue in force for more than 7 days from the date of its issue by the lay magistrate, which date shall be clearly visible on the warrant.
- (7) A warrant issued under this section shall be executed only at a reasonable hour unless otherwise authorised by the warrant.
- (8) A person authorised to enter premises by virtue of a warrant issued under this section
- (a) may take with him such other persons and such equipment as he considers may be necessary; and
 - (b) shall, on leaving any unoccupied premises which he has entered by virtue of such a warrant, leave them as effectually secured against trespassers as he found them.
- (9) In this section “authorised person” does not include a private river watcher.]

Annotations:

- F1** S. 59 substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), **23** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

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