

Changes to legislation: Fisheries Act (Northern Ireland) 1966 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1 ^{F1} Sections 11(6), 76(4), 77(5), 84(4), 137(1)
(2), 143(1)(2).

SUSPENSION AND REVOCATION OF LICENCES

F1 functions transf. by SR 2003/163

1 Where the Ministry has reason to suspect that the holder of a licence has contravened any of the provisions of this Act relating to the fishery or, as the case may be, the fixed engine or fishing weir with respect to which the licence was issued, or any such provision of a ^{F2} . . . regulation, or any condition of the licence, the Ministry may, pending investigation of the suspected contravention and on giving notice in writing to the holder specifying the suspected contravention, suspend the licence.

F2 Words in Sch. 1 para. 1 repealed (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(48), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(b)(e)

2 When a licence is suspended under paragraph 1 the Ministry shall, within a period of twenty-eight days from the date of the suspension, either remove the suspension or revoke the licence under paragraph 3.

3 The Ministry may revoke a licence where the Ministry is satisfied that the holder of the licence has contravened—

- (a) any of the provisions of this Act relating to the fishery or, as the case may be, the fixed engine or fishing weir with respect to which the licence was issued, or any such provision of a ^{F3} . . . regulation; or
- (b) any condition of the licence;

or has, in his application for the licence, made a statement which is false in any material particular.

F3 Words in Sch. 1 para. 3(a) repealed (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(48), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(b)(e)

4 Where the Ministry proposes to revoke a licence, other than a licence suspended under paragraph 1 the Ministry shall give to the holder of the licence at least twenty-eight days' prior notice of its intention to do so and of the grounds upon which the revocation is proposed to be made; and before revoking the licence the Ministry shall consider any representations in relation thereto made by the holder before the expiration of the notice.

5 Where the Ministry revokes a licence the Ministry shall send by post a notice of the revocation to the person whose licence has been revoked, and the notice shall

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inform that person of his right of appeal under paragraph 6, and of the time within which the appeal may be brought.

6 A person whose licence has been revoked under paragraph 3 may, within twenty-eight days from the date on which a notice under paragraph 5 is served on him, appeal to the county court on the ground that there has not been any contravention or false statement such as is described in paragraph 3 or that the contravention or false statement was inadvertent or was of such a trivial or insignificant nature that the licence should not be revoked.

7 The county court, in deciding an appeal brought under paragraph 6, shall state the reasons for its decision, and its decision shall be final.

8 When a licence is suspended or revoked, the person who was the holder of the licence shall, within fourteen days of receiving a request for its return to the Ministry, return the licence to the Ministry together with any copies thereof issued to him by the Ministry, and if he fails to do so, he shall be guilty of an offence.

[^{F49} In this Schedule “contravention” , in relation to a condition of a licence, includes a failure to comply with that condition.]

F4 1981 NI 7

^{F5F5}SCHEDULE 2

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F5 Sch. 2 repealed (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3) (b), 6, 7(1), Sch. 1 Pt. 2 para. 3(49), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(b)(e)

Schedule 3 rep. by 1983 NI 21

Schedule 4 rep. by 1968 c.31 (NI)

SCHEDULE 5

Section 170(1).

FORM OF APPOINTMENT OF PRIVATE WATER BAILIFF

I, A.B. (*or we, A.B. and C.D., as the case may be*) of
(*name the place or places of residence*).

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do hereby appoint E.F., of

(name the place of his residence),

a private water bailiff to protect the fishery of

(name the fishery, lake, river, [^{F21}sea coast or shell-fish fishery or fisheries], as the case may be), pursuant to the Fisheries Act (Northern Ireland) 1966; and the said E.F., of

F21 1981 NI 7

F21 1981 NI 7

(name the place of his residence),

is hereby authorised to do all lawful acts as such private water bailiff according to the provisions of the said Act.

Dated this day of 19 .

(Signed) A.B.

To all whom it may concern.

I, the undersigned Resident Magistrate do hereby confirm the above appointment.

Dated this day of 19 .

(Signed)

[^{F22}This appointment expires on the [] day of []]

F22 1991 NI 13

[^{F23}SCHEDULE 5A

Section 170A(1) and (2).

RENEWAL OF APPOINTMENTS OF PRIVATE WATER BAILIFFS

F23 1991 NI 13

[^{F24} Where any person (in this Schedule referred to as "the applicant") intends to renew the appointment of a private water bailiff, he shall, not less than 6 weeks before the date on which the appointment is to cease to have effect, serve a notice, in such form and containing such particulars as may be prescribed by regulations, on—

- (a) the clerk of petty sessions,
- (b) the Department, ^{F25} . . .
- (c) ^{F25}]

F24 1991 NI 13

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F25 Sch. 5A para. 1(c) and preceding word repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(50)(a), [Sch. 3](#) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, [art. 2\(b\)\(e\)](#)

[^{F26}₂ Where the Department ^{F27} . . . objects to the renewal of the appointment of a private water bailiff, it shall, within 21 days of receiving a notice under paragraph 1, notify the applicant and the clerk of petty sessions of its objection and of the grounds thereof.]

F26 1991 NI 13

F27 Words in Sch. 5A para. 2 repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(50)(b), [Sch. 3](#) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, [art. 2\(b\)\(e\)](#)

[^{F28}₃ Where, within the time specified in paragraph 2, the clerk of petty sessions has received no notice of an objection under that paragraph, he shall confirm the appointment and endorse the instrument of appointment to that effect.]

F28 1991 NI 13

[^{F29}₄ (1) Where the Department ^{F30} . . . notifies ^{F30} . . . the applicant that there is an objection to the renewal of the appointment, the applicant may apply to the court for confirmation of the renewal of the appointment.

(2) Subsections (3) and (4) of section 170 shall apply to an application to the court under sub-paragraph (1) in the same manner as they apply to an application under subsection (2) of that section.]

F29 1991 NI 13

F30 Words in Sch. 5A para. 4(1) repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(50)(c), [Sch. 3](#) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, [art. 2\(b\)\(e\)](#)

[^{F31}₅ In this Schedule—
 “the applicant” has the meaning given in paragraph 1;
 “the court” means a court of summary jurisdiction ^{F32}]]

F31 1991 NI 13

F32 Words in Sch. 5A(5) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), Sch. 1 para. 58(5), [Sch. 9 Pt. 1](#) (with Sch. 8 para. 1); S.R. 2016/387, [art. 2\(k\)\(m\)](#) (with art. 3)

SCHEDULE 6

Sections 182, 183.

PROVISIONS TO WHICH SECTIONS 182(B) AND 183(B) APPLY

Section

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[^{F33} Inspection of fish farm or shell-fish fishery.]

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20(3), (4)	
54(5)	Provision of fish passes in dams.
55(2)	Removal of obstacle or contrivance from fish pass.
81(4)	Provision or restoration of free gap in a fishing weir.
83(3)	Removal of obstruction from free gap in a fishing weir.
85(3)	Removal from salmon weir of parts of boxes which are constructed in contravention of section 85(1).
86(3)(b)	Alteration or removal of guiding wall.
92(6)	Removal of moveable parts of salmon weir during annual close season.

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Schedule 7 # Amendments

Schedule 8 # Repeals

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Changes and effects yet to be applied to :

- s. 11(3) words substituted by [S.I. 2007/915 \(N.I.\) Sch. 2 para. 2\(1\)](#)
- s. 11B(2)(b) and words repealed by [S.I. 2007/915 \(N.I.\) Sch. 2 para. 2\(2\)Sch. 3](#)
- s. 26(1)(jj) inserted by [S.I. 2007/915 \(N.I.\) Sch. 2 para. 2\(5\)](#)