

SCHEDULES

SCHEDULE 1

THE FISHERIES CONSERVANCY BOARD FOR NORTHERN IRELAND

PART 2

AMENDMENTS

The Fisheries Act (Northern Ireland) 1966 (c. 17)

3.—(1) Subject to the following provisions of this paragraph, in any provision of this Act—

- (a) for “the Board” (wherever occurring) substitute “the Department”;
- (b) for “they” (wherever occurring and referring to the Board) substitute “it”;
- (c) for “byelaws”, “a byelaw” or “byelaw” (wherever occurring) substitute “regulations”.

(2) Omit section 7A(4)(b) and the word “and” immediately before it.

(3) In section 11(4) omit “or byelaw”.

(4) In section 11B(2) omit paragraph (c) and “or, as the case may be, the Board”.

(5) In section 15—

- (a) in subsection (1)(c)(i) for “the Fisheries Conservancy Board for Northern Ireland established under Part II” substitute “the Department”;
- (b) omit subsection (1)(d) and (2).

(6) For the heading to Part 2 substitute “CONSERVATION AND PROTECTION OF SALMON AND INLAND FISHERIES”.

(7) For sections 25 and 26 and the cross-heading immediately before section 25 substitute—

“Functions of the Department of Culture, Arts and Leisure

25 Functions of the Department

(1) It is the duty of the Department to conserve and protect the salmon and the inland fisheries of Northern Ireland, other than the fisheries of the Londonderry Area or the Newry Area.

(2) Without prejudice to the generality of subsection (1), the Department may, in the exercise of its functions—

- (a) take legal proceedings for the enforcement of any statutory provision with respect to salmon or inland fisheries;
- (b) act in co-operation with any other body constituted under a statutory provision for the purpose of publicising any such fisheries as a tourist attraction;
- (c) enter into an agreement to enforce the fishing rights of any owner or occupier of land or waters in accordance with such terms and conditions as may be specified in the agreement and on payment of such sums as may be so specified.

26 Regulations

(1) The Department may make such regulations as appear to it to be expedient for the purposes of its functions in relation to any fisheries to which section 25 applies, and, without prejudice to the generality of the foregoing provisions, may make regulations with respect to the following matters—

- (a) the regulation of fishing and preservation of good order amongst persons fishing;
- (b) the times and seasons for the taking of fish or for any mode of taking fish and the conditions subject to which fish may be taken;
- (c) prohibiting any mode of taking or destroying fish;
- (d) the times and places at, or the mode in, which any fishing engine may be used;
- (e) the description and form of nets or other fishing engines to be used, and the size of the meshes of those nets or the apertures in those other engines;
- (f) the size (whether determined by measurement or by weight) of fish which may be taken;
- (g) the making of applications for, and the issue, alteration, renewal and revocation of, fishing licences, whether generally or in specified cases;
- (h) the form of, and the conditions attaching to, fishing licences;

Status: This is the original version (as it was originally enacted).

- (i) the duties payable in respect of fishing licences;
 - (j) the protection of waters from any predatory animals;
 - (k) the prohibition of any practice whatsoever tending to impede the lawful capture of fish or to be in any manner detrimental to the fisheries;
 - (l) the attachment of such identification marks as may be specified in the regulations to any salmon captured;
 - (m) anything relating in any manner to the management and protection of the fisheries;
 - (n) anything which under this Act may be prescribed by regulations or in respect of which regulations are by this Act authorised to be made.
- (2) The power to make regulations under this section in relation to the regulation of fishing for salmon may be exercised for—
- (a) the conservation or enhancement of the natural beauty or amenity of marine or coastal areas (including the geological or physiological features) or of any features of archaeological or historic interest on those areas; or
 - (b) the conservation of flora or fauna which are dependant on, or associated with, a marine or coastal environment.
- (3) Regulations under this section shall be subject to negative resolution.
- (4) If any person contravenes regulations under this section, he shall be guilty of an offence.”.
- (8) Omit sections 27 to 33.
- (9) In section 37(1)(e) for “the Ministry” substitute “a magistrates' court”.
- (10) In section 44 omit “by resolution”.
- (11) In section 53 for subsection (1) substitute—
- “(1) Where in a river natural obstructions of any kind prevent or impede the free passage of fish, the Department may—
- (a) on the application of any person interested in a fishery in the river, authorise the construction of such works or the making of such alterations in the bed of the river as to secure the free passage of fish at all times, or
 - (b) construct such works or make such alterations,
- if (in either case) the Department is satisfied that the works or alterations will not impair the effective working power of any mill or the drainage of any lands.”.
- (12) In section 53(2) and (3) for “subsection (1)” substitute “subsection (1)(a)”.

- (13) In section 53(5) after “works or alterations” insert “under subsection (1) (a) or”.
- (14) In section 53(7) at the end add “; and where the execution of any works or alterations by the Department under subsection (1)(b) results in damage or injury to any person, that person may recover compensation from the Department.”.
- (15) In section 54(2)(b) for the words from “on the application” to “on being satisfied ” substitute “on being satisfied (whether on the application of any person interested in a fishery in the river or otherwise)”.
- (16) In section 54(4)(a) for the words from “, by the person” to the end substitute “on the application of any person, by that person; and”.
- (17) In section 55(2) omit “the Board, or failing the Board,”.
- (18) In section 70(1) for “are” substitute “is”.
- (19) In section 81(4) omit “the Board, or failing the Board,”.
- (20) In section 83(3) omit “the Board, or failing the Board,”.
- (21) In section 85(3) omit “the Board, or failing the Board,”.
- (22) In section 86(3)(b) omit “the Board, or failing the Board,”.
- (23) Omit section 88(2)(b).
- (24) In section 92(6) omit “the Board, or failing the Board,”.
- (25) In section 111 for subsection (4) substitute—
- “(4) The Department may by regulations substitute for the period mentioned in paragraph (a), (b) or (c) of subsection (1) such other period as may be specified in the regulations.”.
- (26) In section 111(5) for “26(4), any byelaws or” substitute “26(3) any”.
- (27) In section 116(1) for “refuse” substitute “refuses”.
- (28) In section 166(1) omit—
- (a) in the definition of “authorised person”, paragraph (c); and
- (b) the definition of “officer of the Board”.
- (29) In section 168(2) for “section 25(3)(cc)” substitute “section 25(2)(c)”.
- (30) In section 170(3) omit “the Board and” (twice).
- (31) In section 170—
- (a) in subsection (6) omit “and the Board”;
- (b) omit subsections (7) and (7C).
- (32) In section 173(1) omit “or byelaw”.
- (33) In section 178(1) omit “or an officer of the Board”.
- (34) In section 179A(3) omit paragraph (b) and the word “and” immediately before it.

- (35) In section 181—
- (a) in subsection (2) omit “or the Board” in each place where it occurs;
 - (b) in subsection (6) omit “or, where the fish is a salmon, an eel or a freshwater fish, to the Board,” and “or, as the case may be, the Board” in each place where it occurs.
- (36) In section 182(b) omit “or of the Board”.
- (37) In section 183(1)(b) omit “or of the Board”.
- (38) In section 185A omit “and the Board”.
- (39) In section 186(3) for “by the Chairman of the Board” substitute “on behalf of the Department”.
- (40) In section 192(2) for “byelaws under” substitute “or”.
- (41) In section 199—
- (a) in subsection (1) omit “and (in a case relating to salmon or inland fisheries) to the Board”;
 - (b) in subsection (2) omit “and the Board”.
- (42) In section 201(2) omit the words from the beginning to “byelaw, and”.
- (43) In section 204(a) for “Board” (where it twice occurs) substitute “Foyle, Carlingford and Irish Lights Commission”.
- (44) In section 205—
- (a) in subsection (1) omit “or the Board are”, “or, as the case may be, the Board” (twice), “or them” and “or the Board”;
 - (b) in subsection (2) omit “or the Board”;
 - (c) in subsection (3) omit “or the Board, as the case may be.”.
- (45) In section 206(1) omit the definitions of “the Board”, “byelaws” and “financial year”.
- (46) In section 212(2) for paragraphs (a) and (b) substitute—
- “(a) references to the Department in sections 45, 55(2), 112(6)(c), 113(3) (a), 114(1), 115(1), 116, 118(2), 119, 120(1)(a) and (6), 166(1)(b), 168(1), 175(2), 182(b), 183(1)(b), 185A, 186(2) and (3), 199(1) and (2), 200(1) and (6), 201(2), 205 and 209(d) shall be construed as references to the Foyle, Carlingford and Irish Lights Commission;
 - (b) references to regulations in sections 51(2), 52(2), 56, 77(6)(a)(i), 114(1) (b), 115(1)(b), 120, 200(6) and 201(2) shall be construed as references to regulations made under section 13 of the Foyle Fisheries Act (Northern Ireland) 1952.”.
- (47) In section 212 after subsection (2) insert—
- “(2A) Where the Commission fails to exercise any of its functions under section 55(2), the Department may exercise that function in its place.”.

- (48) In Schedule 1, in paragraphs 1 and 3(a) omit “byelaw or”.
- (49) Omit Schedule 2.
- (50) In Schedule 5A—
 - (a) in paragraph 1, omit sub-paragraph (c) and the word “and” immediately preceding it;
 - (b) in paragraph 2, omit “or the Board”;
 - (c) in paragraph 4(1) omit “or the Board” and “(or both notify)”.