
STATUTORY INSTRUMENTS

2007 No. 915

The Foyle and Carlingford Fisheries
(Northern Ireland) Order 2007

PART III N.I.

MISCELLANEOUS AMENDMENTS OF THE FOYLE
FISHERIES ACT (NORTHERN IRELAND) 1952

River watchers N.I.

20.—(1) In section 55 of the 1952 Act (appointment of river watchers) for subsections (2) to (4) there shall be substituted—

“(2) A person appointed to be a river watcher shall not act in that capacity until his appointment is confirmed by the appropriate court.

(3) A person may apply to the appropriate court for confirmation of the appointment of a person as a river watcher and Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 shall apply to any such application as if it were an application referred to in Article 76(1)(b) of that Order.

(4) The confirmation of the appointment of a person as a river watcher shall be effected by the resident magistrate endorsing the instrument of appointment.

(5) The appropriate court may, upon complaint made to it, revoke the appointment of a river watcher and thereupon the appointment shall be terminated.

(6) Where a person who has appointed a river watcher revokes that appointment, he shall, within 14 days of the revocation, serve written notice thereof on the clerk of petty sessions.

(7) Where—

- (a) the appointment of a person as a river watcher has been confirmed under subsection (4) or revoked under subsection (5); or
- (b) notice of the revocation of such an appointment has been received under subsection (6),

the clerk of petty sessions shall notify the Commission of such confirmation or revocation or, as the case may be, such notice, as soon as practicable.

(8) Any person who appoints another person to act as a river watcher shall, not later than 31st January in each year, make a return to the Commission in such form and containing such information as may be prescribed.

(9) The Commission shall maintain a register containing the names and addresses of those who are entitled to act as river watchers and descriptions of the geographical areas in which they are entitled to act.

(10) If any person—

- (a) acts as a river watcher without having his appointment confirmed under subsection (4); or
- (b) so acts after his appointment has been revoked either by a court under subsection (5) or by his employer; or
- (c) so acts after he has ceased to be a river watcher by virtue of section 55A,

he shall be guilty of an offence against this Act.

(11) In this section and sections 55A and 55B “the appropriate court”, in relation to a river watcher, means a court of summary jurisdiction sitting for the petty sessions district (or any one such district where there is more than one) within which the river watcher is appointed to act and “clerk of petty sessions” shall be construed accordingly.”.

(2) After section 55 of the 1952 Act there shall be inserted—

“55A Duration of appointment of river watchers

(1) Any person whose appointment as a river watcher is confirmed after the coming into operation of Article 20 of the Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 shall, unless his appointment is renewed under section 55B, cease to be a river watcher on the expiration of 5 years from the date of that confirmation.

(2) Any person whose appointment as a river watcher was confirmed before the coming into operation of that Article shall, unless his appointment is renewed under section 55B, cease to be a river watcher—

- (a) on the expiration of the period of 5 years from the date of that confirmation; or
- (b) on the expiration of the period of 1 year from the coming into operation of that Article,

whichever is the later.

(3) A person who ceases by virtue of this section to be a river watcher may be re-appointed as such under section 55.

55B Renewal of appointment as river watcher

(1) Where a person (“the applicant”) intends to renew the appointment of a river watcher, 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, on—

- (a) the clerk of petty sessions; and
- (b) the Commission.

(2) Where the Commission objects to the renewal of the appointment of a river watcher, it shall, within 21 days of receiving a notice under subsection (1), notify the applicant and the clerk of petty sessions of its objection and of the grounds thereof.

(3) Where, within the time specified in subsection (2), the clerk of petty sessions has received no notice of an objection under that subsection, he shall confirm the appointment and endorse the instrument of appointment to that effect.

(4) Where the Commission notifies the applicant that there is an objection to the renewal of the appointment, the applicant may apply to the appropriate court for confirmation of the renewal of the appointment and Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 shall apply to any such application as if it were an application referred to in Article 76(1) (b) of that Order.

(5) The confirmation of the renewal of the appointment of a person as a river watcher pursuant to an application under subsection (4) shall be effected by the resident magistrate endorsing the instrument of appointment.

(6) Where the appointment of a person as a river watcher has been renewed under this section, the clerk of petty sessions shall notify the Commission of that renewal as soon as practicable.”.

Changes to legislation:

There are currently no known outstanding effects for the The Foyle and Carlingford Fisheries (Northern Ireland) Order 2007, Section 20.