Strategic Planning and Corporate Services Group
Strategic Support Division

Department of
Agriculture, Environment and Rural Affairs
An Roinn
Talmhaíochta, Comhshaoil agus Gnóthaí Tuaithe
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24 June 2026

Dear Janice,

Fisheries, Aquaculture and Water Environment – Committee Request for Further Information

The Fisheries, Aquaculture and Water Environment Bill was introduced to the Assembly on 22 July 2026 and the purpose of this letter is to provide the Committee with information as requested at the pre-introductory briefing Committee on 11 June 2026. The Committee requested this information prior to the second stage debate.

The Committee noted that as the primary objective of the Bill is to modernise and consolidate existing legislation, it would assist the Committee to receive tables clearly setting out:

- all new powers contained in the Bill; and
- all existing powers that have been modernised or updated, including those developed by reference to more recent legislation.

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Annex A provides an outline of the structure of the Bill to aid the Committee's Consideration.

Annex B notes how the Bill interacts with other fisheries and water environment legislation.

Annex C summarises the provisions of the Bill, noting new powers, modifications and powers derived from other existing legislation.

The Committee also requested further tables detailing all offences, including;

- the position prior to the Bill, including the applicable level of penalty;
- the amendments proposed by the Bill, including any changes to penalty levels; and
- any new offences introduced.

The proposed changes to penalties will affect the Fisheries Act (Northern Ireland) 1966, the Sea Fish (Conservation) Act 1967, and the Water (Northern Ireland) Order 1999. The most substantial amendments relate to inland fisheries offences under the 1966 Act, where the majority of existing penalties will be increased to better align with equivalent offences in neighbouring jurisdictions and to reflect current monetary values. Under the 1966 Act, maximum penalties will range from £5,000 to £50,000, depending on the nature and severity of the offence.

The Bill will have a more limited impact on penalties under the Sea Fish (Conservation) Act 1967 and the Water (Northern Ireland) Order 1999, with only a small number of amendments required. For offences under the 1967 Act, maximum penalties will increase to between £20,000 and £50,000, ensuring alignment with equivalent offences provided for by the Act in other parts of the UK.

In respect of the Water (Northern Ireland) Order 1999, all revised penalties will increase to £50,000. This change is intended to ensure consistency with the penalty framework set out in the Waste and Contaminated Land (Northern Ireland) Order 1997.

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The table below sets out a brief summary of all the penalty increases which will be introduced by the Fisheries, Aquaculture and Water Environment Bill.

Fisheries (Northern Ireland) Act 1966	
Part 3 Fish licenses, Part 4 Obstruction of passage of fish and abstraction of water Part 6 Times of fishing for salmon, trout, pollen and eels	Fines increased to £20,000
Part 4 Protection of fisheries Part 5 Regulation of fishing for salmon, eels and freshwater fish	Fines increased to £50,000
Part 7 Restrictions on dealings in salmon, trout and eels	Fines increased to £10,000 and £50000 depending on the seriousness of the offence
Part 8 Sea Fisheries	Fines increased to £50,000 for more serious offences and £20,000 for lesser offences
Part 10 Miscellaneous offences eg. Obstructing persons lawfully fishing	Fines increased to £10,000
Part 11 Authorised Person	Fines increased between £5000 and £50000 depending on the seriousness of the offence
Part 12 Supplementary provisions (this provision sets the penalty for provisions where no penalty is stated)	Fines increased to £10,000
Sea Fish (Conservation) Act 1967	
Section 11(1)(b) Contravention of regulations for nets and other gear and contravention of restrictions for sea fish Section 15(2E) Obstruct a British Sea Fisheries Officer	Fines increased to £20,000
Section 15(2D) Refuse entry to a British Sea Fisheries Officer and failure to provide documents	Fines increased to £50,000
Water (Northern Ireland) Order 1999	
Article 7(7)(b) Water pollution Article 12(3)(b) Failure to comply with enforcement notice Article 15(6)(b) Contravention of any prohibition imposed by a notice served by the Department Article 19(2)(b) Failure to comply with a works notice Article 20(3)(j)(i) Contravention of regulations made for abstraction and impoundment	Fines increased to £50,000

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Annex D provides detail of the offences and revised penalites.
Finally, the Committee asked for clarification and an assessment of how the provisions of the new Bill will operate alongside the Fisheries Act (NI) 1966, particularly in light of the differing policy intent, including an overview of how the 1966 Act will be affected once the Bill comes into operation, cleary identifiying any amendments to, or impacts on, it's existing provisions.

Annex E shows how the Fisheries Act (NI)1966 will be amended by the new Bill.

I hope all the information provided is of assistance to you, but should you require anything further please contact me directly.

Yours sincerely,



Paul McGranaghan
Departmental Assembly Liaison Officer

Enc.

Annex A: Legislation Structure
Annex B: Interactions with other fisheries and water environment legislation
Annex C: Summary of Bill provisions (new/modified/derived powers)
Annex D: Summary of offences and amended penalties
Annex E: Tracked version of the Fisheries (NI) Act 1966 to show how it will be impacted by the Bill.

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Legislative structure of the Fisheries, Aquaculture and Water Environment Bill

Summary of the legislative structure of the draft Fisheries, Aquaculture and Water Environment Bill.

Overall structure of the Bill

The Bill is organised into 7 Parts + 1 Schedule, each performing a distinct legal function:

Part	Purpose
Part 1	Inland fisheries framework (policy + regulation powers)
Part 2	Sea fisheries enforcement powers
Part 3	Mode of trial and penalties
Part 4	Fixed penalty notices
Part 5	Aquaculture licensing reform
Part 6	Miscellaneous amendments
Part 7	Final provisions
Schedule	Detailed amendments to existing legislation

Part 1 – Inland Fisheries

(A) Chapter 1 – Policy objectives and policy statement

Key elements:

- Establishes statutory inland fisheries objectives, including:
    - sustainability;
    - precautionary approach;
    - ecosystem-based management;
    - scientific evidence;
    - bycatch;
    - national benefit;
    - climate change;
- Requires DAERA to produce an Inland Fisheries Policy Statement.
- Imposes a duty to act in accordance with that statement.

- Allows departure only with justification (and publication of reasons).

This creates a policy framework governing all later decision-making.

(B) Chapter 2 – Regulation-making power

This replaces and expands section 26 of the current Fisheries Act (Northern Ireland)1966 (1966 Act).

Key features:

Broad power to regulate:

- fisheries;
- Aquaculture;
- aquatic environment.

Covers:

- fishing methods, gear, seasons;
- fish stock targets;
- bycatch;
- sale and marketing;
- data/recording requirements.

Includes a regulation making power to amend or repeal other legislation.

Part 2 – Sea fisheries enforcement

Key function:

- Imports and applies enforcement powers from the Marine and Coastal Access Act 2009 (MCAA)

Structure:

- Confers:
  - common enforcement powers; and
  - fisheries enforcement powers.
- Powers apply:
  - in the NI zone;
  - to NI vessels wherever they fish.

This part does not create a new system but instead aligns NI enforcement with the MCAA model.

Part 3 – Mode of trial and penalties

Introduces updated penalties and trial modes.

- Implemented via the Schedule, which amends the:
    - 1966 Act;
    - Sea Fish (Conservation) Act 1967;
    - Water (NI) Order 1999.

Key theme:

- Significant increase in fines (some up to £50,000).

Part 4 – Fixed penalty notices (FPNs)

Creates a new enforcement tool (FPNs).

- Applies to offences under:
    - 1966 Act (*certain offences*);
    - Water (NI) Order 1999 and associated regulations (*all offences*).
- Enables:
    - administrative penalties;
    - avoidance of prosecution for specific offences.

Part 5 – Aquaculture licensing

Replaces the current section 11 of the 1966 Act. This strengthens and modernises aquaculture regulation within the 1966 Act framework.

Key elements:

- Replaces fish culture licences with aquaculture licences.
- Broadens scope - now also includes seaweed and any other aquatic plant or organism.
- Applies to:
    - inland waters;
    - tidal waters;

    - territorial sea.
- Allows licence transfer.

6. Part 6 – Miscellaneous

Targeted amendments to existing law:

- Amends fish dealer licensing (fitness and discretion).
- Introduces cost recovery powers - recovery of expenses for river-bed remedial works.

These are supporting operational provisions, not structural reform.

7. Part 7 – Final provisions

Standard legislative provisions:

- Interpretation.
- Commencement (notably commencement staggered (by order) for aquaculture).
- Short title.

8. Schedule

The Schedule amends existing legislation to upgrade penalties and enforcement provision, by:

- increasing fines on summary conviction;
- introducing indictable offences in some cases,

in the:

    - Fisheries Act (NI) 1966;
    - Sea Fish (Conservation) Act 1967;
    - Water (NI) Order 1999.

Interaction of the Bill with other related fisheries and water environment legislation

At present, NI law relating to fisheries and the water environment is functionally fragmented:

Area	Main legislation
Inland fisheries	Fisheries Act (NI) 1966
Protection and sustainable use of the marine environment	Marine and Coastal Access Act 2009 Marine Act (Northern Ireland) 2013.
Sea fisheries enforcement	Fisheries Act 1981, Sea Fish Conservation Act 1967 & Sea Fisheries Act 1968
Protection of the water environment	Water (NI) Order 1999
UK Fisheries Framework	Fisheries Act 2020
Detailed rules	Regulations / byelaws

The new Bill is designed to overlay and partially restructure this system, rather than replace all of it, because:

- the 1966 Act is relatively dated;
- fisheries policy must now align with the UK Fisheries Act 2020 framework; and
- fisheries management must integrate with water/environmental governance.

Interaction with the Fisheries Act (NI) 1966

Nature of interaction: partial replacement + reinterpretation.

The Fisheries, Aquaculture and Water Environment Bill will:

- replace outdated governance and purpose provisions;
- retain operational machinery (licensing, powers);
- subject remaining provisions to:
    - statutory objectives;
    - policy statement;
    - ecosystem-based approach.

Interaction with the Water (NI) Order 1999

Nature of interaction: integration and overlap (not replacement).

The Water Order governs:

- water quality;
- pollution control;
- discharge consents.

The new Bill does not replace it. The Water Order remains primary for pollution control, but the new Bill increases maximum penalties for offences in the Water (NI) Order and regulations made under it.

Interaction with the Fisheries Act 1981

Nature of interaction: none

The 1981 Act is not primarily about regulating fishing behaviour—it is about organising and supporting the sea fish industry.

Interaction with the Fisheries Act 2020 (UK)

Nature of interaction: alignment (framework compliance).

The 2020 Act establishes:

- UK fisheries objectives;
- Joint Fisheries Statement (JFS).

The Fisheries, Aquaculture and Water Environment Bill is explicitly intended to give effect to these frameworks in devolved inland/aquaculture policy and replicate key objectives for inland waters, including:

    - sustainability;
    - precautionary approach;
    - ecosystem management.

The legal consequence is that NI legislation becomes aligned to UK-wide strategic policy, reduces divergence between:

    - inland (NI-specific); and
    - marine (UK-wide frameworks).

The Bill ensures that NI fisheries policy aligns with UK-wide sustainability and ecosystem principles.

Interaction with the Marine and Coastal Access Act 2009 (MCAA)

Enforcement

MCAA offers modernised enforcement in marine space – the new Bill attracts the common enforcement and fisheries enforcement powers from MCAA for DAERA enforcement officers when undertaking fisheries enforcement activities. These powers will apply both within the NI Zone and the wider British fishery limits. The common enforcement powers are already available to DAERA enforcement officers for marine environmental offences through the Marine Act (Northern Ireland) 2013.

Interaction with the Sea Fish Conservation Act 1967 and Sea Fisheries Act 1968

Nature of interaction: The Bill relies on these Acts to establish structure

Sea Fisheries Act 1968

- The Bill relies on the 1968 Act definition of officers.
- Part 2 of the Bill defines "British sea-fishery officer" by reference to section 7 of the Sea Fisheries Act 1968.
- The Bill does not create a new enforcement workforce - It explicitly uses the 1968 Act enforcement structure.
- The Bill extends enforcement powers contained within MCAA for those officers.

The Bill applies common enforcement powers and fisheries enforcement powers from the Marine and Coastal Access Act 2009 to NI enforcement officers.

Summary

1968 Act → defines who enforces | MCAA → defines what powers they have | New Bill → applies those powers within NI fisheries enforcement

Sea Fish Conservation Act 1967

The Bill amends penalties in the 1967 Act.

The Schedule:

- increases penalties for offences under the 1967 Act (e.g. raising fines to £20,000 or £50,000);

The Bill strengthens protection of enforcement officers, introducing stronger offences for assaulting or obstructing officers.

Overview

Function	Governing Act
Conservation rules	1967 Act
Enforcement personnel	1968 Act
Enforcement powers (modernised)	MCAA (via Bill)
Penalties & NI framework	New Bill

What stays the same?

- Core conservation framework (1967 Act).
- Enforcement structure (1968 Act officers).

What changes?

(1) Enforcement capability **-**Adoption of modern MCAA-style powers.

(2) Penalties **-** Significant increase, greater deterrence.

(3) Integration **-** Brings sea fisheries enforcement into a wider environmental/fisheries framework

These Acts apply mainly to sea fisheries, whereas the new Bill covers:

- inland fisheries;
- aquaculture;
- water environment;
- and some cross-cutting marine policy.

Enforcement tools under the new Bill will be brought closer to those used in marine legislation.

Historically:

- inland = 1966 Act
- marine = Sea Fish Acts

The Bill softens this divide by introducing ecosystem-scale thinking across freshwater–marine interfaces.

FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

Summary Table of Provisions in the Bill

Clause(s) / Section amended/inserted)	Area / Provision	Type	Provision / Change	Detail / Effect
Clause 1	**Inland Fisheries Policy Framework**	New	Statutory inland fisheries policy objectives	Establishes legally defined objectives (sustainability, precautionary, ecosystem, climate, etc.) forming the foundation for all fisheries decision-making
Clauses 2–3		New	Duty to prepare & publish Inland Fisheries Policy Statement	Requires the Department to produce, consult on, publish, and periodically review a policy statement setting out how objectives will be delivered
Clause 4		New	Duty to act in accordance with policy statement	Imposes a binding duty on the Department to act consistently with the policy statement unless justified by changed circumstances, increasing accountability
Clause 6(1) / New s.26(1) & (2) in Fisheries (NI) Act 1966	**Regulation-making powers (replacement of s.26 in Fisheries (NI) Act 1966)**	Modernised & Expanded	Broad fisheries/aquaculture regulation making power / Expands current provision which is limited to the licencing of fishing and the management and protection of fisheries and the marine or coastal environment	Replaces legacy powers with a comprehensive authority covering conservation, stock management, protection of the aquatic environment, and fish health. Also provides explicit powers over bycatch, fishing methods, gear design, traceability, marketing, record-keeping, alien species, and compliance monitoring. (Current section 26(2) is covered under the term “aquatic environment” and has the same meaning as in Part 1 of the Bill – see New s.26(7) below)

FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

Clause(s) / Section amended/inserted)	Area / Provision	Type	Provision / Change	Detail / Effect
New s. 26(3) in Fisheries (NI) Act 1966		New / Modernised	Ability to confer functions, impose fees, create offences	Enables flexible governance by allowing delegation, cost recovery, and creation of enforceable offences through regulations
New s. 26(4) in Fisheries (NI) Act 1966		New / Modernised	Power to amend/repeal legislation via regulations	Permits amendment or repeal of primary/secondary legislation through regulations, significantly increasing flexibility
New 26(5) in Fisheries (NI) Act 1966		New / Modernised	Assembly control procedures	Introduces enhanced scrutiny (affirmative procedure) for more significant regulations such as those creating offences or amending legislation
New s. 26(7) in Fisheries (NI) Act 1966		New / Modernised	Interpretation	Applies the definition of terms used in Chapter 1 of Part 1 of the Bill to Part 2 of the 1966 Act.
Clause 7(1)	**Sea Fisheries Enforcement**	New / Derived (2009 Act model)	Application of existing powers available to officers in other jurisdictions	Grants sea-fishery officers a defined suite of enforcement powers for enforcing sea fisheries legislation
Clause 7(2)		New / Application of existing power	Extended jurisdiction	Applies enforcement powers both within the NI zone and to NI vessels wherever they operate, expanding reach
Clause 7(5)		New / Application of existing power	Officer protections and liabilities	Extends safeguards and liability provisions from the 2009 Act to NI enforcement officers

FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

Clause(s) / Section amended/inserted)	Area / Provision	Type	Provision / Change	Detail / Effect
Clause 9 + Schedule (Parts 1 & 2)	**Mode of Trial & Penalties**	New / Modernised	Increased penalties and indictment-level offences	Substantially raises fines (e.g. up to £50,000) and introduces more serious modes of trial, strengthening deterrence across fisheries and water offences
Clause 11	**Fixed Penalty Notices (FPNs)**	New	Power to introduce FPNs for specific offences under the 1966 Act	Enables the Department to create a fixed penalty scheme for specific fisheries offences through subordinate legislation
Clause 12		New	Power to introduce FPNs (Water (NI) Order 1999 offences)	Extends FPN regime to all offences under the Water (NI) Order 1999
Clause 13		New / Modern	Framework for operation of FPN system	Provides flexible rules on amounts, discounts, procedures, enforcement, and administrative handling of penalties
Clause 14		New	Effect on prosecution	Establishes that payment of a fixed penalty discharges liability, reducing need for court proceedings
Clause15(2)	**Aquaculture Licensing Reform (replacement of s.11 in Fisheries (NI) Act 1966**	Expanded	Replacement of fish culture licences with aquaculture licences	Replicates and replaces the provisions of s.11 of the 1966 Act to include “aquaculture licence”. Modernises licensing terminology and scope to reflect a broader aquaculture industry (including plants, seaweed, etc.)
New s.11(7) in Fisheries (NI) Act 1966		New	Power to define “aquaculture farm”	Allows the Department to expand or narrow the scope of regulated activities via regulations over time
New s.11(9) in Fisheries (NI) Act 1966		New	Broader licensing scope & conditions	Through the definition of “aquaculture” and associated definitions it extends licensing

FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

Clause(s) / Section amended/inserted)	Area / Provision	Type	Provision / Change	Detail / Effect
				to full aquaculture operations (breeding, harvesting, transport, processing)
Clause 15(3)(b)(ii) (amending s.11A in Fisheries (NI) Act 1966)		Modernised	Amends s 11A of the 1966 Act to Update publicity procedures	Replaces outdated requirements (e.g. requirement for newspaper notices) with flexible modern processes.
Clause 17(1)		New	Continuation and transition of licences	Ensures seamless transition from old fish culture licences to the new aquaculture regime
Clauses 17(5)-(7)		New	Power to make transitional/ancillary provision	Allows further regulations to smooth implementation
Clause 18 (new s.11D in Fisheries (NI) Act 1966)		New	Transfer of aquaculture licences	Introduces mechanism for licence transfer, including approval, conditions, and appeal rights
Clause19(1)	**Fish Dealer Licensing**	Modernised	Discretion to grant/refuse licences / Current provision requires a certificate to be signed by a Justice of the Peace that the person applying is a fit and proper person.	Replicates the current provision removing the need for a certificate from a Justice of the Peace. Clarifies that it is for the Department to determine if a licence should be granted or renewed if it considers it to be appropriate.
Clause 19(1) new s.114 (1A) & s.115(1) in Fisheries (NI) Act 1966		New	Power to carry out remedial works	Allows the Department to undertake environmental repair works following offences affecting river beds and recover costs.

FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

Clause 20(1) inserting s.48(5B) in Fisheries (NI) Act 1966	**River Bed Remediation**	New	Power to recover costs from offender	Enables recovery of costs from offenders, internalising environmental damage costs
Clause 1(9) & Clause 6(2)(r)–(t)	**Cross-cutting / Derived Frameworks**	Derived / Modernised	Use of EU/assimilated law concepts	Embeds modern fisheries governance tools such as traceability, producer organisations, and ecosystem-based approaches
Clause 6(6) & 8(6)		Derived	Alignment with external legislation definitions/frameworks	Integrates definitions and concepts from the Marine and Coastal Access Act 2009 and EU-derived law into domestic framework

CHANGES TO OFFENCE PENALTIES MADE BY THE FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

Annex D

The Fisheries, Aquaculture and Water Environment Bill does not create any new offences.

CURRENT POWER	CURRENT PENALTY	PROPOSED NEW PENALTY AND JUSTIFICATION
Fisheries (NI) Act 1966		
Sections 7A(3) - Not having a permit to fish PAE water	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000 Conviction on indictment – a fine. **Increased to align with connected offences in Section 45.**
Section 11 – Offences relating to Fish Culture Licenses	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 13 – Introducing prohibited live fish, eggs or young into any waters	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 15 – Regulations made in respect to eel fishing	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**

CHANGES TO OFFENCE PENALTIES MADE BY THE FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

Section 15A – Regulations for protection of quality of fish	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 17 – Failure by holders of a fishing licence or dealers licence o keep records and make returns or provide false records and returns	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 18 – Failure to disclose returns	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 41(3) - Not having a fishing licence	contravention consists only of the unlicensed but otherwise lawful use or possession of a rod and line or hand line £200, in any other case £500.	Summary conviction – a fine not exceeding £20,000 Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 45(1) - Falsification of fishing licences	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000 Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**

CHANGES TO OFFENCE PENALTIES MADE BY THE FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

Section 46 – Penalty for use or possession of deleterious matter	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 47 – Penalty for pollution	Summary conviction – a fine not exceeding the statutory maximum (£5000). Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 48(1) - taking etc. spawn or fry of salmon, trout or eels	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 48(5A) - taking etc. spawn or fry of salmon, trout or eels	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**

CHANGES TO OFFENCE PENALTIES MADE BY THE FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

Section 49(1) - Chasing, etc., spawning fish	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000 Conviction on indictment – a fine **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 50(2)(a) - Penalties for taking, etc., unseasonable salmon or trout	Summary conviction - fine not exceeding £500 with a further fine of £50 for each salmon and £10 for each trout in respect of which an offence is committed or to imprisonment for a term not exceeding six months or to both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 51(1) - Prohibition against sale, etc., of immature salmon or trout	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 52(1) - Taking undersized pollen	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine.

CHANGES TO OFFENCE PENALTIES MADE BY THE FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

		Increased to align with similar marine licensing offences in neighbouring jurisdictions.
Section 54(6) – Failure to provide such fish pass as required	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 55(1) - Offence of taking fish in a fish pass, using fishing engines in a fish pass or placing obstacles in a fish pass	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 56(3) - the use of fishing engines and rods and lines at or in the vicinity of dams	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 57(1) - Penalty for taking fish in works or watercourses appurtenant to mills	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both.

CHANGES TO OFFENCE PENALTIES MADE BY THE FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

		Increased to align with similar marine licensing offences in neighbouring jurisdictions.
Section 58(2) – Not compiling with provisions in relation to sluices, etc., of mills deriving water from rivers	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 59(3) – injure, remove, open or permit the injury or removal of gratings and lattice	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 62(5) - Penalty for using certain devices for taking fish	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 63(1) - Fishing for salmon or trout by cross lines	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine.

CHANGES TO OFFENCE PENALTIES MADE BY THE FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL

		Increased to align with similar marine licensing offences in neighbouring jurisdictions.
Section 64(1) - Penalty for taking salmon or trout in eel weir	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 65(1) - Penalty for damming or teeming river or millrace for purpose of taking salmon or trout	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 66(1) - Restrictions on use of nets	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**

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Section 67 – Restrictions on use of nets	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 68(1) - Meshes or openings of engines made of rigid material for the taking of salmon in the sea or tideways	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 69(2) - Use of salmon nets near mouths of rivers	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 70(3) - Powers of Board with respect to drift nets for the taking of salmon in the sea	Summary conviction – a fine not exceeding £1000 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**

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Section 71(3) - Restriction on use of nets in fresh water	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 72(3) - Mesh of nets for taking fish in fresh water	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 73(2) - Restriction with respect to fishing weirs or fixed engines in freshwater portion of rivers or lakes	Summary conviction – a fine not exceeding £1000 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 74(2) - Restriction on use of fixed engines for the capture of salmon in the sea or tideways	Summary conviction – a fine not exceeding £1000 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both.

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		Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 78(1) - Prohibition of erecting or using fixed engines at mouths of rivers	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 79(2) - Prohibition of bag nets in certain places	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 80(1) - Regulations as to construction and user of bag nets	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**

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Section 81(3) - Free gaps in fishing weirs	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 82(1) - Offence of affecting flow of water through free gap by alteration of bed of river	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 83(1) - Fishing in or near or obstructing free gaps	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 85(2) - Constructs or uses any box in a salmon weir in contravention of this section	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 86(4) - Construction of guiding walls appurtenant to salmon weirs	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine.

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		Increased to align with similar marine licensing offences in neighbouring jurisdictions.
Section 87(2) - Possession or control any fishing engine or lure or bait in contravention of this section	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 88(1) - Taking salmon or trout unlawfully killed or found dead	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 90(1) - fishing for, taking or wilfully killing salmon or trout during the annual close season for salmon and trout	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both and shall in addition be liable to a further fine not exceeding £50 for every salmon and £10 for every trout taken or so killed.	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 91(2) - Provisions to be observed in relation to fixed engines during the annual	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 6 months, or both.

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close season for salmon and trout		Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 92(4) - Dismantlement of salmon weirs during the annual close season for salmon and trout	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 93(2) - Removal of nets from banks, etc., of waters during the annual close season for salmon and trout	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 94(1) - Use of nets in inland waters during the annual close season for salmon and trout	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**

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Section 96(1) - Angling for salmon or for trout during annual close season for angling for salmon or annual close season for angling for trout	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 98(1) - Penalty for fishing otherwise than by rod and line for salmon or trout during the weekly close time	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 99(2) - Provisions to be observed in relation to certain fixed engines during the weekly close time	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 100(2) - Provisions to be observed in relation	Summary conviction – a fine not exceeding £500 in respect of each box in the weir the inscales and heck whereof are not removed or opened out as required.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine.

to salmon weirs during the weekly close time		**Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 101(1) - Penalty for preventing fish from passing through boxes, etc., during the weekly close time	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 102(1) - scaring, impeding or obstructing the free passage of salmon or trout during the weekly close time	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 103(1) - Use of nets in inland waters during the weekly close time	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 104(2) - use any net for the capture of salmon or trout in the freshwater portion of	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine.

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any river between the hours of eight o'clock in the evening and six o'clock in the morning		**Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 108(1) - Prohibition of taking etc. eels, otherwise than by rod and line, during the annual close season	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 109(1) - Placing fishing engines for taking eels in eyes, etc., of fishing weirs during the annual close season for eels or during the daytime	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 110(6) – Giving a false statement	Summary conviction – a fine not exceeding £500.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine.

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		Increased to align with similar marine licensing offences in neighbouring jurisdictions.
Section 111 – Buying, selling, offering or exposing for sale or has in their possession salmon, trout, pollen or brown eels between certain period	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 112 – Restrictions on purchase of salmon, trout and eels	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 113 – Prohibition of sale of salmon, trout and eels without a licence	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 118(1) – Failing to display dealers licence.	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 120 – Dealer licence holder failing to keep	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000.

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or to make entry in a register or failing to produce for inspection a register or documents		**Increased to reflect current monetary value.**
Section 123 - Penalties for offences under Part VII (Licenses for sale of salmon, trout and eels	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both (except for offences under 120 and 122)	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both (exception for offences under 120 and 122 removed). **Increased to align with similar marine licensing offences in neighbouring jurisdictions.**
Section 124(3) – Contravention of any regulation made under Section 124 (sea fishing regulations)	Summary conviction – a fine not exceeding £1000. Any sea-fishing boat contravening the regulations, the master, and the charterer, if any, of the boat, or, if there is no charterer, the owner shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 126(1) – Bring to land, landing or selling or offering or exposing for sale or has in their possession for the purpose of sale any fish caught in	Summary conviction – a fine not exceeding £1000.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar offences in neighbouring jurisdictions.**

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contravention of any regulation made under section 124		
Section 127(9) - Bring to land, landing or selling or offering or exposing for sale or has in their possession for the purpose of sale any fish smaller than prescribed by the Department	Summary conviction – a fine not exceeding £1000.	Summary conviction – a fine not exceeding £50,000. Conviction on indictment – a fine. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 128(2) - Resists or forcibly obstructs any other person entering beaches, strands and waste lands on or adjoining the seashore or any estuary as may be necessary for the purpose of sea-fishing	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 129(3) - Resists or forcibly obstructs any fisherman engaged	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000. **Increased to align with similar offences in neighbouring jurisdictions.**

in sea-fishing, and any person watching on behalf of, directing, guiding, assisting or helping to attend to the nets		
136 – Offences with respect to licensed shell-fish fishery	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 160 – Obstructing a person lawfully fishing	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 161 – Placing fishing engine with intent to prevent fish entering any other fishing engine lawfully set	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 162 – taking or using boats without permission	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 163 – Not having owners name painted on fishing boat	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**

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Section 164 – Unauthorised entry on several fishery	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 165 – Unauthorised fishing in private ponds	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 170(8) – impersonating a private water bailiff	Summary conviction – a fine not exceeding £200.	Summary conviction – a fine not exceeding £5000. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 174(2) – Failure to produce the certificate of registration or other papers of the boat when required	Summary conviction – a fine not exceeding £1000.	Summary conviction – a fine not exceeding £20,000. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 178(3) - refusing or failing to give name and address to the satisfaction of the authorised officer	Summary conviction – a fine not exceeding £1000. Where the person charged with the offence satisfies the court that any fish in connection with which the offence was committed were sea-fish taken only by rod and line or that any other article in connection with which the offence was committed was used, or (having regard to the circumstances of the offence) was capable of being used, only in connection with fishing for sea-fish by rod and line, to a fine not exceeding £200.	Summary conviction – a fine not exceeding £20,000. Where the person charged with the offence satisfies the court that any fish in connection with which the offence was committed were sea-fish taken only by rod and line or that any other article in connection with which the offence was committed was used, or (having regard to the circumstances of the offence) was capable of being used, only in

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		connection with fishing for sea-fish by rod and line, to a fine not exceeding £5000. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 179(4) – Failure to produce licence for use of fishing engine	Summary conviction – a fine not exceeding £200.	Summary conviction – a fine not exceeding £5000. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 179A – failure to produce permit	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 182(1) – Assaulting an authorised officer.	Summary conviction – a fine not exceeding £500 or term of imprisonment not exceeding 6 months, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 6 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 183(1) – Obstructs or impedes and authorised person	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £20,000 Conviction on indictment – a fine. **Increased to align with similar offences in neighbouring jurisdictions.**

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Section 184 – Giving warning to persons unlawfully fishing	Current penalty is the general penalty in Section 201 which is on summary conviction a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 201(1) – Penalty for offences under any provision of this Act for which a penalty is not provided by any provision of this Act	Summary conviction – a fine not exceeding £500.	Summary conviction – a fine not exceeding £10,000. **Increased to reflect current monetary value.**
Section 202(1) – Continuation of offence after conviction	Summary conviction – a fine not exceeding £50 per day for which the contravention has continued.	Summary conviction – a fine not exceeding £500 per day for which the contravention has continued. **Increased to reflect current monetary value.**
Sea Fish (Conservation) Act 1967		
Section 11(1)(b) – Contravention of regulations for nets and other gear and contravention of restrictions for sea fish	Summary conviction – a fine not exceeding £5000. Conviction on indictment – a fine.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 15(2D) – Refuse entry to a	Summary conviction – a fine not exceeding £5000.	Summary conviction – a fine not exceeding £50,000.

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British Sea Fisheries Officer and failure to provide documents		Conviction on indictment – a fine. **Increased to align with similar offences in neighbouring jurisdictions.**
Section 15(2E) – Obstruct a British Sea Fisheries Officer	Summary conviction – a fine not exceeding £5000.	Summary conviction – a fine not exceeding £20,000. Conviction on indictment – a fine. **Increased to align with similar offences in neighbouring jurisdictions.**
Water (Northern Ireland) Order 1999		
Article 7(7)(b) – Water pollution	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 3 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 3 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with The Waste and Contaminated Land (Northern Ireland) Order 1997.**
Article 12(3)(b)- Failure to comply with enforcement notice	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 3 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 3 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with The Waste and Contaminated Land (Northern Ireland) Order 1997.**

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Article 15(6)(b) – contravention of any prohibition imposed by a notice served by the Department prohibiting from depositing or discharging any matter of a class or description specified in the notice on to any land or into any waterway or underground stratum	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 3 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 3 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both. **Increased to align with The Waste and Contaminated Land (Northern Ireland) Order 1997.**
Article 19(2)(b) – Failure to comply with a works notice	Summary conviction – a fine not exceeding £20,000 or term of imprisonment not exceeding 3 months, or both. Conviction on indictment – a fine or term of imprisonment not exceeding 2 years, or both.	Summary conviction – a fine not exceeding £50,000 or term of imprisonment not exceeding 3 months, or both. **Increased to align with The Waste and Contaminated Land (Northern Ireland) Order 1997.**
Article 20(3)(j)(i) – contravention of regulations made for abstraction and impoundment	Summary conviction – a fine not exceeding £20,000. In the case of a continuing offence, with a fine not exceeding £200 for each day during which the offence is continued after conviction. Conviction on indictment – a fine or term of imprisonment not exceeding 5 years, or both.	Summary conviction – a fine not exceeding £50,000. In the case of a continuing offence, with a fine not exceeding £200 for each day during which the offence is continued after conviction. Conviction on indictment – a fine or term of imprisonment not exceeding 5 years, or both.

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		Increased to align with The Waste and Contaminated Land (Northern Ireland) Order 1997.

Fisheries Act (Northern Ireland) 1966 [F1]

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Fisheries Act (Northern Ireland) 1966 [F1]

1966 CHAPTER 17

An Act to extend the functions of the Ministry of Agriculture in relation to fisheries and to make provision for the development and improvement of fisheries by, or with the assistance of, that Ministry; to establish the Fisheries Conservancy Board for Northern Ireland, and to define their functions; to provide for the transfer to that Board of the property, rights and liabilities of, and to dissolve, the existing boards of conservators; to consolidate with amendments the Fisheries Acts (Northern Ireland) 1842 to 1954 and certain other enactments relating to fisheries; otherwise to amend the law with respect to fisheries; and for purposes connected with those matters. [21st June 1966]

F1 App. (hovercraft), SI 1972/971

PART I

FUNCTIONS OF THE MINISTRY OF AGRICULTURE

PRELIMINARY

1 Responsibility of the Ministry for fisheries in Northern Ireland.

(1) Subject to the provisions of this Act, the Ministry of Agriculture (in this Act referred to as "the Ministry") shall be responsible in Northern Ireland for the supervision and protection of fisheries and for fostering the establishment and development of fisheries, and for those purposes shall exercise the functions conferred on the Ministry by this Act.

(2) Subsection (1) shall have effect without prejudice to any provision of the Foyle Fisheries Acts.

[F7PERMITS TO FISH IN DEPARTMENT'S WATERS

F7 1991 NI 13

7A Permits.

(1) Where the Department owns the fishing rights in any waters—

(a) the Department may issue permits, or make arrangements for their issue through agents, for periods not exceeding one year, authorising the holder of such a permit to use a fishing engine in the waters to which the permit relates; and

(b) may, subject to subsection (2), charge for the issue of such permits such reasonable sums as the[F8 Department may determine].

(2) The Department may under subsection (1)(a) issue complimentary permits to persons not ordinarily resident in Northern Ireland and nothing in this Act shall require such persons to make any payment in respect of such permits.

(3) Where permits are issued under subsection (1) in relation to any waters, any person who, without obtaining such a permit, uses a fishing engine in those waters, shall be guilty of an offence.

"(3A) A person guilty of an offence under subsection (3) is liable—
(a) on summary conviction to a fine not exceeding £20,000;
(b) on conviction on indictment, to a fine.".

~~(3)~~(4) Section 45 (offence of falsifying, etc. licences) shall apply in relation to any permit issued under subsection (1) as if—

(a) for any reference in that section to a fishing licence there were substituted a reference to such a permit, F9. . .

(b) F9. . . . . .]

F8 2001 c. 4 (NI)

F9 S. 7A(4)(b) 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(2), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

~~OTHER PROVISIONS FOR THE IMPROVEMENT AND PROTECTION OF FISHERIES~~
PROVISION ABOUT FISHERIES AND AQUACULTURE LICENSING

[F10 11 ~~Fish culture~~ Aquaculture licences.
F11

(1) ~~Subject to the following provisions of this section and sections 11A and 11C, t~~The Department may by licence (referred to as "an ~~fish~~ aquaculture licence") authorise any person—

(a) to operate an ~~fish~~ aquaculture farm at any place or within any area specified in the licence, and

(b) to carry on, ~~in connection therewith such~~ for the purposes of the operations ~~in relation to the~~ of that aquaculture farm, such aquaculture activities as may be ~~of fish of any kind~~ specified in the licence ~~as may be so specified~~.

(2) An ~~fish~~ aquaculture licence may include—

(a) ~~may contain such~~ conditions as to the times and seasons at, and the manner in which, any fish resulting from the aquaculture may be taken, ~~as the Department considers appropriate;~~ and

(b) ~~shall include, in particular, conditions as to the times and seasons at and the manner in which fish may be taken~~ such other conditions as the Department considers appropriate.

(3) An ~~fish~~ aquaculture licence may, in so far as is expedient for the purpose of giving effect to any ~~such~~ conditions applied in relation to fish resulting from the aquaculture, exempt—

(a) the holder of the licence and any person acting under ~~his~~the holder's directions, and

(b) a person who acquires fish of any kind taken in accordance with such conditions,

from the restrictions imposed by regulations made under section 26(1)(p) or (q) or by section 111 in so far as those restrictions apply to fish of that kind.

(4) ~~Without prejudice to subsections (2) and (3), and notwithstanding anything contained in this Act or any regulation~~ F12. . . ~~made under this Act~~, ~~a~~A person to whom an ~~fish~~ aquaculture licence is granted, and any person acting under ~~his~~that person's directions, may~~,~~ ~~subject to the conditions contained in the licence,~~ do any of the things authorised by the licence~~.~~ —

(a) notwithstanding anything contained in this Act or in regulations made under it, but
(b) subject to the conditions contained in the licence.

(5) ~~If any~~ A person commits an offence if the person operates an aquaculture farm—

(a) ~~operates a fish farm with respect to which a fish culture licence is not for the time being in force;~~ without an aquaculture licence permitting that operation, or

(b) ~~operates a fish farm with respect to which such a licence is in force,~~ otherwise than in accordance with any conditions ~~attached to the~~ of an aquaculture licence~~,~~.

~~he shall be guilty of an offence.~~

(6) ~~In this section and in sections 11A and 11B references to the operation of a fish farm include references to such operation in inland or tidal waters or within the seaward limits~~

~~of the territorial sea adjacent to Northern Ireland~~An "aquaculture farm" means an undertaking for the carrying on of aquaculture, whether or not carried on for profit.**]**

(7) The Department may by regulations provide that specified descriptions of undertakings are to be treated as included in, or excluded from, the definition of "aquaculture farm" in subsection (6).

(8) Regulations under subsection (7) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(9) In this Part—

(a) "aquaculture" means the breeding, rearing, growing or cultivation of—

(i) any fish or other aquatic animal,

(ii) seaweed or any other aquatic plant, or

(iii) any other aquatic organism;

(b) "aquaculture activities" means any of the following (whether or not carried out in the course of a business or employment)—

(i) aquaculture;

(ii) harvesting aquaculture organisms;

(iii) operating vessels for harvesting or processing aquaculture organisms;

(iv) storing or transporting aquaculture organisms;

(v) loading and unloading aquaculture organisms;

(vi) processing aquaculture organisms;

(c) "aquaculture organism" means an aquatic organism resulting from aquaculture;

(d) "processing", in relation to fish or any other aquatic organism, includes preserving or preparing the organism, or producing any substance or article from it, by any method for human or animal consumption;

(e) references to the operation of an aquaculture farm include references to such operation in inland or tidal waters or within the seaward limits of the territorial sea adjacent to Northern Ireland.".

F10 1991 NI 13

F11 funcions transf. by SR 2003/163

F12 Words in s. 11(4) 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(3), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

[F13F14 11A Applications for ~~fish~~ aquaculture licences.

(1) An application for an ~~fish~~ aquaculture licence—

(a) shall be made to the Department in such form and manner, and

(b) shall include such particulars and shall be accompanied by such documents, as the Department may direct.

(2) If, on considering an application for an ~~fish~~ aquaculture licence, the Department is minded to grant the licence, the Department shall, except in relation to such classes of applications as it may direct, publish, at the applicant's expense, notice of the application in such ~~two or more newspapers~~ manner as it considers appropriate, stating the address where and the period (not being less than one month from the date

of publication) within which objections in writing to the granting of the licence may be sent to it.

(3) If—

(a) within the period mentioned in subsection (2), the Department receives any objections (not being in the opinion of the Department vexatious, frivolous or insubstantial) which are not withdrawn; and

(b) those objections are not such as to cause the Department to become minded not to grant the ~~fish~~ aquaculture licence,

the Department shall cause a local public inquiry to be held by the Water Appeals Commission for Northern Ireland (in this Act referred to as "the Appeals Commission") for the purpose of considering those objections.

(4) If, otherwise than after the holding of such an inquiry, the Department is minded not to grant the licence or grants the licence subject to conditions—

(a) the Department shall give to the applicant a written notification of the reasons why it is minded not to grant the licence or has granted it subject to conditions; and

(b) the applicant may, within 28 days from the day on which such notification is given, appeal to the Appeals Commission.

(5) Where, under**[**F15**[**F16Article 7A(3)(a)**]** of the Water (Northern Ireland) Order 1999**]**, the consent of the Department of the Environment is required to the discharge of effluent into a waterway in connection with the operation of ~~a fish farm, a fish culture licence~~ an aquaculture farm, an aquaculture licence shall not be issued in respect of that operation unless such consent is granted.

[Where, under Part 2 of the Aquatic Animal Health Regulations (Northern Ireland) F17 (5A) 2009, the authorisation of the Department is required in connection with the operation of ~~a fish farm, a fish culture licence~~ an aquaculture farm, an aquaculture licence shall not be issued in respect of that operation unless such authorisation is granted.**]**

(6) ~~Nothing in this section applies to an application for a fish culture licence which is received by the Department before the date of the coming into operation of Article 6 of the Fisheries (Amendment) (Northern Ireland) Order 1991.]~~

F13 1991 NI 13

F14 funcions transf. by SR 2003/163

F15 1999 NI 6

F16 Words in s. 11A(5) substituted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), art. 308(1), **Sch. 12 para. 7** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F17 S. 11A(5A) inserted (27.3.2009) by Aquatic Animal Health Regulations (Northern Ireland) 2009 (S.R. 2009/129), regs. 1(1), **16(1)**

[F18**11B Discharge of effluent.**

F19

(1) Where—

(a) an application is made to the Department F20...under **[**F21 paragraph 1 of Schedule 1 to the Water (Northern Ireland) Order 1999 ("the 1999 Order")**]**, and

(b) in the opinion of **[**F22the Department**]**, the purpose of the application is to obtain its consent to the discharge into a waterway of effluent or matter in connection with the operation of ~~a fish~~ an aquaculture farm,

[F23the Department may**]** make a direction—

(i) that a local public inquiry to be held under section 11A(3) shall also consider any objection (other than one which is withdrawn or is, in the opinion of the Department F24..., vexatious, frivolous or insubstantial) received in response to[F21 the advertisement of the application under paragraph 1 of Schedule 1 to 1999 Order], F25... F26

(ii) . . . . . .

(2) The Department F27... shall give notice of any direction made under subsection (1) to— (a) the person making the application;

[the Foyle, Carlingford and Irish Lights Commission, where the discharge is F28 (b) to be made in the Londonderry Area or the Newry area;]

(c) F29. . . . . .

and (without prejudice to section 23 of the Interpretation Act (Northern Ireland) 1954) that person and the Foyle Fisheries Commission F30. . . shall be entitled to appear and be heard at the inquiry.

(3) [F21Article 13(1) of the 1999 Order] shall not apply to such an application where the Department F31... makes a direction under subsection (1) of this section.

(4) [F21Paragraph 2(2) of Schedule 1 to the 1999 Order shall not apply to any application under paragraph 1 of Schedule 1 to that Order] for the purpose mentioned in paragraph (b) of subsection (1) of this section.

Subs. (5) rep. by 1999 NI 6]

F18 1991 NI 13

F19 functions transf. by SR 2003/163

F20 Words in s. 11B(1)(a) omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 64(2)(a)** (with art. 9(2))

F21 1999 NI 6

F22 Words in s. 11B(1)(b) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 64(2)(b)** (with art. 9(2))

F23 Words in s. 11B(1) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 64(2)(c)** (with art. 9(2))

F24 Words in s. 11B(1)(i) omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 64(2)(d)** (with art. 9(2))

F25 Word in s. 11B(1)(i) omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 64(2)(e)** (with art. 9(2))

F26 S. 11B(1)(ii) omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 64(2)(f)** (with art. 9(2))

F27 Words in s. 11B(2) omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 64(3)** (with art. 9(2))

F28 SI 1999/859

F29 S. 11B(2)(c) 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(4), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F30 Words in s. 11B(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(4), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F31 Words in s. 11B(3) omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 64(4)** (with art. 9(2))

[F32 F33 11C Amendment, suspension and revocation of ~~fish~~ aquaculture licences.

(1) The Department may at any time amend any ~~fish~~ aquaculture licence, either on its own motion or on the application of the holder of the licence.

(2) Where the Department proposes to amend any ~~fish~~ aquaculture licence on its own motion, the Department shall—

(a) give to the holder of the licence a written notification of its intention to do so; and

(b) state in that notification—

(i) the specific amendment under consideration, and

(ii) the grounds upon which it is proposed to be made.

(3) If the holder of the licence objects to the proposed amendment, he may, within 28 days from the day on which notification is given to him under subsection (2), appeal to the Appeals Commission.

(4) An ~~fish~~ aquaculture licence may be suspended or revoked in accordance with the provisions of Schedule 1; and in the application of those provisions for the purposes of this section—

(a) "licence" means an ~~fish~~ aquaculture licence; and

(b) the references in paragraphs 1 and 3 to the fishery with respect to which the licence was issued shall be construed as references to the ~~fish~~ aquaculture farm to which the licence relates.**]**

F32 1991 NI 13

F33 functions transf. by SR 2003/163

"Transfer of aquaculture licences

11D.—(1) The holder of an aquaculture licence may apply to the Department for a transfer of the licence to another person ("the proposed transferee").

(2) An application under subsection (1) must be in such manner and form as determined by the Department, accompanied by—

(a) such information as the Department may reasonably require;

(b) where the aquaculture licence has been granted subject to the consent of the owner or lawful occupier of the foreshore, bed of the sea, estuary or any fishery, the consent in writing of that owner or lawful occupier, as the case may be, to the proposed transfer of the licence;

(c) copies of any other consents or approvals (or information in relation to applications for such consents or approvals) which are necessary for the operation by the proposed transferee of the aquaculture farm in accordance with the licence;

(d) such fee as may be determined by the Department;

(e) the licence.

(3) If the Department is not satisfied that the licence should be transferred to the proposed transferee, it must give notice of its refusal to transfer the licence to the holder of the aquaculture licence and the proposed transferee.

(4) If the Department is satisfied that the licence should be transferred to the proposed transferee, it must—

(a) give notice of its decision to the holder of the aquaculture licence and the proposed transferee, and

(b) effect a transfer of the aquaculture licence to the proposed transferee in such manner and form as is determined by the Department.

(5) In making a transfer under subsection (4)(b), the Department may make such amendments to the licence as it considers appropriate.

(6) If the holder of the licence or the proposed transferee objects to—

(a) a refusal under subsection (3);

(b) an amendment made as part of a transfer under subsection (4)(b),

the holder or, as the case may be, the proposed transferee may within 28 days from the day on which notification is given, appeal to the Appeals Commission.

(7) Nothing in this section affects the liability of the holder of an aquaculture licence for any failure by that holder, before any transfer under subsection (4)(b) takes effect, to comply with any condition of that licence."

REGULATIONS

19 Regulations.

(1) The Ministry may make regulations prescribing anything which, under this Act, may be prescribed by regulations, and providing for any matter in respect of which regulations may be made under this Act.

(2) Regulations made under this Act shall unless otherwise specified be subject to negative resolution.

INQUIRIES

20 Power of Ministry to hold inquiries and investigations.

(1) The Ministry may cause local or other inquiries to be held or investigations to be made in relation to the fisheries of Northern Ireland or any of them and the best means to be adopted for the management, conservation, protection or improvement thereof, or in relation to the operation of this Act.

(2) This section shall not be construed as empowering the Ministry to cause inquiries to be held or investigations to be made in any case in relation to which the Foyle **[**F46 Carlingford and Irish Lights**]** Commission is authorised to hold inquiries under section 80 of the Foyle Fisheries Act (Northern Ireland) 1952-.

F47 (3) Without prejudice to subsection (1), the Department may, with respect to any ~~fish~~ aquaculture farm for which an ~~fish~~ aquaculture licence under section 11 is in force (including any fishery for which a shell-fish fishery licence is also in force), make such inquiries and examination by an inspector or otherwise, and require from the holder of the licence such information, as the Department considers necessary or proper, and the holder of the licence shall afford all facilities for such inquiries and examination, and give such information, accordingly.

(4) Without prejudice to any provision of Part XI, for the purpose of an examination under subsection (3) an officer authorised in writing in that behalf by the Department, on production if so required of his credentials, may at any reasonable time—

(a) enter any ~~place specified in a fish culture licence under section 11 authorising the operation of a fish farm~~ place or area specified in an aquaculture licence under section 11 authorising the operation of an aquaculture farm and any area specified in a shell-fish fishery licence; and

(b) examine that place or land within that area and all fish, buildings, structures, rafts, trays, devices and things found there; and

(c) obtain, take away and dispose of samples (which shall be marked, labelled or otherwise made capable of identification) of any fish, or of any water or other substance, found there;

and the holder of the licence shall afford to such an officer facilities for the exercise by him of any right conferred by this subsection.]

F46 SI 1999/859

F47 1981 NI 7

PART II

[F51~~CONSERVATION AND PROTECTION OF SALMON AND INLAND FISHERIES~~FISHERIES AND INLAND WATERS]

[F5526~~Regulations~~Department's power to make 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~~any of the following purposes—

(a) ~~the regulation of fishing and preservation of good order amongst persons fishing;~~managing, conserving, protecting or improving salmon fisheries and inland fisheries;

(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~~conserving, improving or developing stocks of fish in inland waters;

(c) ~~prohibiting any mode of taking or destroying fish~~protecting the aquatic environment from the effects of fishing or aquaculture in inland waters, or of related activities;

(d) ~~the times and places at, or the mode in, which any fishing engine may be used~~protecting or improving the health of fish or other aquatic animals in inland waters;

(2) Without prejudice to the generality of subsection (1), regulations may make provision with respect to the following matters—

(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~~setting and enforcing targets in relation to stocks of fish; ~~or~~

(b) ~~the conservation of flora or fauna which are dependant on, or associated with, a marine or coastal environment.~~bycatch;

(c) the protection of waters from any predatory animals;

(d) prohibiting any mode of taking or destroying fish;

(e) licensing of or requiring permits for fishing;

(f) conditions for fishing, including the setting of times, seasons or geographical areas for fishing;

(g) the regulation of fishing and preservation of good order among persons fishing;

(h) methods of fishing;

(i) the design of fishing equipment;

(j) the use of fishing equipment;

(k) the retrieval of lost or discarded fishing equipment;

(l) sizes of fish that may be taken;

(m) the attachment of such identification marks as may be specified in the regulations to any salmon captured;

(n) the prohibition of any practice whatsoever tending to impede the lawful capture of fish or to be in any matter detrimental to the fisheries;

(o) processing of fish;

(p) the regulation or prohibition of the sale of any species of fish caught by rod and line;

(q) the regulation or prohibition of the sale of any fishery products other than a species of fish caught by rod and line;

(r) the marketing of fishery products (including labelling and traceability);

(s) keeping, disclosing or publishing accounts, records or other documents or information by persons involved in—

(i) fish and aquaculture activities, or

(ii) monitoring, or enforcing, compliance with the regulation of fish and aquaculture activities;

(t) the functions, objectives or regulation of producer organisations or inter-branch organisations;

(u) the use in aquaculture, or transport, of aquatic organisms that are members of an alien species or a locally absent species;

~~(b)~~(v) monitoring, or enforcing, compliance with the regulation of any of the matters mentioned in the preceding paragraphs of this subsection.

(3) Regulations under ~~this~~ subsection (1) may— ~~shall be subject to negative resolution.~~

(a) confer a function, including a function involving the exercise of a discretion, on any person,

(b) impose fees, or

(c) create a criminal offence, but not one punishable with imprisonment.

(4) ~~If any person contravenes regulations under this section, he shall be guilty of an offence~~The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any statutory provision (apart from this section).]

(5) If they contain provision—

(a) adding to, replacing or omitting, any part of the text of Northern Ireland legislation or an Act of Parliament,

(b) imposing fees, or

(c) creating a criminal offence or increasing the penalty for, or widening the scope of, a criminal offence,

regulations under subsection (1) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) In this section—

"fishery products" means—

(a) fish or other aquatic organisms resulting from fishing or aquaculture, or

(b) products derived from aquatic organisms within paragraph (a);

"inter-branch organisation" means an organisation established under Article 11 of Regulation (EU) No. 1379/2013 of the European Parliament and of the Council and recognised in accordance with Section 2 of Chapter 2 of that Regulation;

"producer organisation" means an organisation established under Article 6 of Regulation (EU) No. 1379/2013 of the European Parliament and of the Council and recognised in accordance with Section 2 of Chapter 2 of that Regulation.

(7) Any other expressions used in this Part and in Chapter 1 of Part 1 of the Fisheries, Aquaculture and Water Environment Act (Northern Ireland) 2027 have the same meanings as in Chapter 1 of Part 1 of that Act.".

F55 Ss. 25, 26 and preceding cross-heading substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(7)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F56 S. 26(1)(jj) inserted (17.9.2012) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 34(1), **Sch. 2 para. 2(5)** (with art. 32); S.R. 2012/336, **art. 2**

[F63PART III

FISHING
LICENCES

F63 1968 c.31 (NI)

37 Power to make [F64regulations] respecting fishing licences.

[F65(1)] [F66Regulations] made by [F67the Department] under ~~subsection (1) of~~ section 26 may (without prejudice to the provisions of ~~paragraphs (*g*), (*h*) and (*i*) of that subsection~~ subsection (2)(e) of that section or any provision made under subsection (2)(e) by virtue of subsection (3)(b) of that section or to the provisions of section 70(2)(*a*), (*c*) or (*d*)),—

(a) authorise the issue of different classes of fishing licence in respect of any one or more than one kind of fish, or any one or more than one description of fishing engine, specified in the [F66regulations] ;

(b) prescribe different forms, periods of duration, territorial limitations, terms and conditions, or duties, in respect of different classes of licence and, in the case of different classes of licence, provide that reduced duties may be paid by[F68 persons of such class or description as is specified in the [F66regulations]];

[F65(c) limit, subject to subsection (2), the number of licences which may be issued to authorise the use of fishing engines for the taking of fish;]

~~(d) prescribe the records to be kept and the returns to be made by the holder of any licence to fish with rod and line or hand line;~~

~~(e)~~(d) provide for an appeal to [F69a magistrates' court] against the revocation by [F67the Department] of, or the refusal of [F67the Department] to issue or renew, any fishing licence;

~~(f)~~(e) provide for the exemption of persons who have not attained the age of sixteen, or such other age as may be prescribed by the [F66regulations], from the requirement to hold a fishing licence to fish for, take or kill fish of any kind so prescribed by rod and line or hand line.

[F65(2) Nothing in [F66regulations] made under subsection (1)(c) shall affect the lawful use by any person of—

(a) a rod and line or a handline in the freshwater portion of any river or lake,

(b) a draft net in the circumstances specified in section 71(2)(d),

(c) a fishing weir or fixed engine in the circumstances specified in section 73(1).

(3) In subsection (1)(c)—

"licences" means licences of any class specified in the [F66regulations], and

"fish" does not include eels.]

F64 S. 37 heading: word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F65 1991 NI 13

F66 S. 37: word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F67 S. 37(1): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F68 2001 c. 4 (NI)

F69 Words in s. 37(1)(e) substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(9)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

41 Prohibition of unlicensed fishing.

(1) Unless expressly empowered to do so under any provision made by or under this Act or any other enactment for the time being in force, a person shall not fish for, take or kill salmon, eels or any freshwater fish except under the authority of a **[**F72fishing licence**]** issued pursuant to **[**F73regulations**]** made under this Act and in accordance with the terms and conditions of that **[**F72fishing licence**]** and of the **[**F73regulations**]** relating to it.

(2) Unless expressly empowered as mentioned in subsection (1), a person shall not have in his possession in or near any fishing place any fishing engine for the taking or killing of salmon, eels or freshwater fish, which is erected or in fishing order, unless there is

in force a fishing licence by or by virtue of which he is authorised to use that fishing engine at that place.

(3) Subject to section 43, any person who acts, or causes or permits any other person to act, in contravention of subsection (1) or (2) shall be guilty of an offence. ~~and shall be liable on summary conviction to a fine not exceeding —~~

~~(a) where such contravention consists only of the unlicensed but otherwise lawful use or possession of a rod and line or hand line, [F74 £200]; and (b) in any other case, [F74 £500].~~

"(3A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment, to a fine.".

[F75(4) Nothing in this section shall apply to a person—

(a) who fishes lawfully by rod and line in a production pond at ~~a fish farm operated by the holder of a fish culture licence~~ an aquaculture farm operated by the holder of an aquaculture licence granted under section 11; or

(b) who has for that purpose in his possession a rod and line at or near ~~a fish~~ an aquaculture farm.

(5) In subsection (4)(a) "production pond" means a pond—

(a) used for the artificial propagation and culture of fish, and

(b) designated for the purposes of this subsection as a production pond in ~~a fish culture licence~~ an aquaculture licence granted under section 11.**]**

[F76(6) In this section "fishing licence" means a fishing licence issued under Part III or a fishing licence issued by the Foyle, Carlingford and Irish Lights Commission under regulations made by the Commission under the Foyle Fisheries Act (Northern Ireland) 1952.

(7) In relation to a fishing licence issued by the Foyle, Carlingford and Irish Lights Commission, the reference in subsection (1) to **[**F73regulations**]** shall be construed as a reference to regulations made by the Commission under the Foyle Fisheries Act (Northern Ireland) 1952.**]**

F72 Words in s. 41(1) substituted (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. 2(6)(a)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

F73 S. 41(1)(7): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F74 1981 NI 7

F75 1991 NI 13

F76 S. 41(6)(7) added (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. 2(6)(b)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

45 Falsification, etc., of licences.

[F81(1)**]** A person who—

(a) uses or, with intent to deceive, presents a fishing licence for any time, date, period, place or purpose other than that for which that licence is valid; or

(b) uses or presents, as being a fishing licence of which he is the holder, a fishing licence issued in the name of any other person; or

(c) uses or presents a fishing licence that has been to his knowledge either in any manner altered (otherwise than by a person duly authorised by **[**F82the Department**]**) or fraudulently counterfeited; shall

be guilty of an offence.

"(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment to a fine.".

[F83(2) In this section "fishing licence" means a fishing licence issued under Part III or a fishing licence issued by the Foyle, Carlingford and Irish Lights Commission under regulations made by the Commission under the Foyle Fisheries Act (Northern Ireland) 1952.**]]**

F81 S. 45 renumbered (1.6.2008) as s. 45(1) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 34(1), **Sch. 2 para. 2(7)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

F82 S. 45(1)(c): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F83 S. 45(2) added (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. 2(7)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

PART IV

PROTECTION OF FISHERIES

PROTECTION OF FISHING WATERS FROM POISONING, ETC., AND POLLUTION

46 Penalty for use or possession of deleterious matter.

(1) If any person uses in any waters any deleterious matter for the capture, destruction or injury of fish he shall be guilty of an offence.

(2) If any person being on the bank of or near any waters has in his possession or under his control any deleterious matter, he shall be guilty of an offence.

(3) It shall be a good defence to a charge under subsection (2) for the defendant to prove that the deleterious matter was in his possession or under his control for an innocent purpose.

(4) Every person guilty of an offence under this section shall be liable— F84

(a) on summary conviction to a fine not exceeding ~~£500~~ £50,000 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment;

(b) on conviction on indictment to**[**F85 an unlimited fine**]** or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.]

Subs. (5) rep. by 1996 NI 24

F84 1981 NI 7

F85 1984 NI 3

47 Penalty for pollution.

(1) Subject to subsection (2), if any person causes or knowingly permits any deleterious matter to enter any waters, he shall be guilty of an offence and shall be liable

[F86(a) on summary conviction, to a fine not exceeding ~~the statutory maximum~~£50,000;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.**]**

[F86(1A) If in the case of a continuing offence under subsection (1), the offender continues to contravene that subsection, he shall be guilty of a further offence and shall be liable on summary conviction to an additional fine not exceeding one-~~twentieth~~tenth of level 5 on the standard scale for each day on which the offence is continued.**]**

(2) Nothing in subsection (1) shall operate to penalise the discharge of any substance or article to which section 9 of the Radioactive Substances Act 1960 applies.

[F87(3) Where a person (in this section referred to as "the person convicted") has been convicted of an offence under subsection (1), **[**F88the Department**]**—

(a) after consulting the owner of the fishing rights in the waters affected by the pollution; or

(b) without such consultation if **[**F88the Department**]**, upon making reasonable enquiries, is unable to ascertain the name and address of the owner, may—

(i) carry out such**[**F89 reinstatement**]** of the waters as is reasonable in the circumstances, and

(ii) recover the cost thereof from the person convicted.

(5) Any question as to—

(a) the reasonableness of any**[**F89 reinstatement**]** to be undertaken under paragraph (i) of subsection (3); or

(b) the costs to be recoverable under paragraph (ii) of that subsection, shall be referred to arbitration under and in accordance with the provisions of the Arbitration Act (Northern Ireland) 1937.

(6) Nothing in this section shall affect any right of the owner of fishing rights in the waters affected by the pollution to bring civil proceedings against the person convicted; but in assessing damages in any such proceedings the court shall take into account the value of any**[**F89 reinstatement**]** carried out by **[**F88the Department**]** under subsection (3).**]**

F86 1994 NI 15

F87 1991 NI 13

F88 S. 47(3)(5): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F89 2001 c. 4 (NI)

Modifications etc. (not altering text)

C1 S. 47 restricted (1.4.2007) by Water (Northern Ireland) Order 1999 (S.I. 1999/662 (N.I. 6)), art. 10(b) (as substituted by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), **281(1)** (with arts. 8(8), 121(3), 307)); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

PROTECTION OF YOUNG AND BREEDING FISH

48 Taking, etc., spawn or fry of salmon, trout or eels.

(1) **[**F90Subject to subsections (1A) and (2)**]** if any person—

(a) wilfully takes, sells, purchases, or has in his possession the spawn, …F91 or fry of salmon, trout or eels; or

(b) wilfully obstructs the passage of the …F91 fry of salmon, trout or eels; or

(c) injures or disturbs the spawn or fry of salmon, trout or eels; or

(d) injures or disturbs any spawning bed, bank or shallow where the spawn or fry of salmon, trout or eels may be,

he shall be guilty of an offence.

(1ZA) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

~~(a)~~(b) on conviction on indictment, to a fine.";

[F90(1A) It shall not be an offence under subsection (1)(a) for the owner of an eel several fishery to take or have in his possession the fry of eels where he has removed those fry from that several fishery solely for the purpose of returning them to an upstream part of the same several fishery.

(1B) Subsection (1A) applies to a person acting under the direction of the owner of an eel several fishery in the same manner as it applies to such an owner.**]**

(2) Where a person is charged with the offence of taking or having in his possession any …[F91] fry in contravention of subsection (1)(*a*), it shall be a good defence for him to prove that he removed the …[F91] fry from a system of waters solely for the purpose of preserving them from some immediate danger (whether actual or reasonably apprehended) and that he returned, or intended to return, them to an adjacent safer part of the same system of waters, without any avoidable injury, as soon as reasonably practicable.

[[F90](3) In this section—

(a) "fry" (except in subsection (1)(d))—

(i) in relation to salmon, includes parr and smolts,

(ii) in relation to trout, includes trout of a length less than fifteen centimetres measured from the tip of the snout to the fork or cleft of the tail, and

(iii) in relation to eels, includes elvers; and

(b) "trout" includes rainbow trout.**]**

[[F92](4) It shall be a defence for a person charged with an offence under subsection (1)(a) in relation to the spawn of any salmon to prove—

(a) that the spawn had been produced at ~~a fish farm~~ an aquaculture farm; or

(b) that he believed on reasonable grounds that it had been so produced.

(5) If any person removes any material from the bed of any river—

(a) without the consent of **[**[F93]the Department**]** under subsection (6); or

(b) otherwise than in accordance with the conditions of a consent granted by **[**[F93]the Department**]** under subsection (6), he

shall be guilty of an offence.

(5A) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.".

(5B) Where a person is convicted of an offence under subsection (5) in relation to the bed of any river, the Department may—

(a) carry out any remedial works that it considers necessary to the bed of that river, and

~~(a)~~(b) recover from that person any expenses reasonably incurred by the Department in respect of those remedial works.

(6) **[**[F93] The Department**]** may, on the application of any person, grant its consent to the removal of material from the bed of a river on such conditions as it thinks fit.

(7) Where **[**[F93]the Department**]**—

(a) on an application for a consent under subsection (6), has refused a consent; or

(b) in giving a consent under subsection (6), has given that consent subject to conditions,

the person who applied for the consent may appeal to the Appeals Commission against the decision within 28 days from the day on which notice of the decision was given to that person.

(8) A consent under subsection (6) does not confer on any person a right to remove material from the bed of a river which (apart from this section) he would not otherwise have.

(9) Nothing done under and in accordance with the conditions of a consent under subsection (6) constitutes an offence under subsection (1) or section 49.**]**

F90 1991 NI 13

F91 1968 c.31 (NI)

F92 2001 c. 4 (NI)

F93 S. 48: words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

49 Chasing, etc., spawning fish.

(1) If any person chases, injures or disturbs spawning fish or fish on the spawning beds or attempts (otherwise than by means of lawful angling with rod and line) to catch fish thereon, he shall be guilty of an offence.

"(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.".

50 Penalties for taking, etc., unseasonable salmon or trout.

(1) Any person who at any time wilfully takes or kills or who knowingly buys, sells, offers or exposes for sale or has in his custody or possession any unseasonable salmon or trout shall be guilty of an offence.

(2) A person who is guilty of an offence under subsection (1) shall be liable— **F94**

(a) on summary conviction to a fine not exceeding ~~£500 with a further fine of £50 for each salmon and £10 for each trout in respect of which an offence is committed or to imprisonment for a term not exceeding six months or to both such fines and such imprisonment;~~ £50,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment to**[**F95 an unlimited fine**]** or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.]

F94 1981 NI 7

F95 1984 NI 3

51 Prohibition against sale, etc., of immature salmon or trout.

(1) Any person who buys, sells, offers or exposes for sale, or has in his possession for sale, any salmon or trout which is immature shall be guilty of an offence.~~, and shall be liable on summary conviction [F96 to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.]~~

"(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

~~(a)~~(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.".

~~(1)~~(2) For the purposes of this section the expression "immature" means that the fish is of a length less than that prescribed by **[**F97regulations**]**, or, if no length is so prescribed, of a length less than**[**F98 20 centimetres**]** measured from the tip of the snout to the fork or cleft of the tail.

F96 1981 NI 7

F97 S. 51(2): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F98 SR 1983/100

52 Taking undersized pollen.

(1) Any person who wilfully takes, kills or destroys, or who buys, sells, offers or exposes for sale, or has in his custody or possession any undersized pollen shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.

~~(1)~~(2) In this section the expression "undersized pollen" means pollen of a length less than that prescribed by **[**F99regulations**]**, or, if no length is so prescribed, of a length less than**[**F100 19 centimetres**]** measured from the tip of the snout to the fork or cleft of the tail.

F99 S. 52(2): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F100 SR 1983/100

54 Construction of fish passes in dams in rivers.

(1) Where a dam is constructed in a [F106 river], a fish pass sufficient to permit the free passage through the dam of salmon, trout and eels at all times shall be provided and maintained by the owner of the dam.

(2) Subsection (1) shall not apply so as to require the provision of a fish pass in conjunction with a dam erected before 10th August 1842 unless—

F107 (a) the dam is rebuilt, reinstated or heightened after the commencement of the Fisheries (Amendment) Act (Northern Ireland) 1968, or

[F108(aa) the dam is repaired after the date of the coming into operation of Article 13 of the Fisheries (Amendment) (Northern Ireland) Order 1991 in such a way as to change the nature of any surface of the dam or the structure of the crest of the dam, or

(ab) the mill to which the dam belongs is, after that date, brought back into use or its use is changed, or the purpose for which the water retained by the dam is used is changed after that date, or**]**

(b) the Ministry, **[**F109on being satisfied (whether on the application of any person interested in a fishery in the river or otherwise)**]** that there will be no impairment in any navigation or in the effective working power of any mill to which the dam belongs, by order directs that a fish pass be provided as required by this section

[F107 nor shall it apply so as to require the provision of a fish pass in conjunction with a particular dam in a river if the Ministry is satisfied that, having regard to the nature of the dam or of the river or of the kinds of fish frequenting or likely to frequent the river, it is unnecessary or unreasonable to insist upon compliance with the requirements of that subsection and by notice in writing grants exemption from those requirements with respect to that dam].

[F108(2A) Where the Department refuses to grant an exemption for the purposes of subsection (2) —

(a) the Department shall give to the applicant for such exemption a written notification of the reasons for its refusal, and

(b) the applicant may, within 28 days from the day on which such notification is given, appeal to the Appeals Commission.**]**

(3) Every fish pass provided under this section shall be constructed in accordance with plans, sections and specifications approved by the Ministry.

(4) The cost of providing a fish pass shall be borne—

(a) in the case of a dam with respect to which an order is made under subsection (2) **[**F110on the application of any person, by that person; and**]** (b) in any other case, by the owner of the dam.

(5) Where in contravention of subsection (1) the owner of a dam does not provide a fish pass in conjunction with that dam, the Ministry may by notice in writing require him to do so, and if he fails to comply with the notice within any reasonable period specified therein the Ministry may cause a fish pass to be constructed**F108**. . . .

[F108(5A) Article 55 of the Roads (Northern Ireland) Order 1980 (power to enter land) shall apply in relation to subsection (5) subject to the following modifications—

(a) for the purposes set out in sub-paragraphs (a) to (e) of paragraph (1) of that Article there shall be substituted a reference to the purpose of constructing a fish pass under subsection (5);

(b) any reference to the Department shall be construed as a reference to the Department within the meaning of this Act; and (c) paragraph (7) shall be omitted.

(5B) Where—

(a) in the exercise of the powers conferred under subsection (5) or (5A), any damage is caused to land or chattels, any person interested in the land or chattels may recover compensation in respect of the damage from the Department; or

(b) in consequence of the exercise of any such powers, any person is disturbed in his enjoyment of land or chattels, he may recover compensation in respect of that disturbance from the Department.

(5C) Subject to subsection (5D), the Department may recover from the person liable under subsection (4)—

(a) any expenses reasonably incurred by the Department in respect of works executed under that subsection; and

(b) any amount awarded against, or reasonably paid by, the Department as compensation under subsection (5B).

(5D) The Department may not recover under paragraph (b) of subsection (5C) any amount (or any part of any amount) awarded or paid in respect of a breach of any duty of care on the part of the Department.

(5E) Any question—

(a) as to whether a person is entitled to recover compensation from the Department under subsection (5B), and as to the amount of such compensation; and

(b) as to whether the Department is entitled to recover any amount (or any part of any amount) under subsection (5C),

shall be heard and determined by the Lands Tribunal.**]**

(6) If any owner of a dam fails to provide such a fish pass as he is required by this section to provide, or, where such a fish pass has been provided (whether by him or not), fails to maintain it in an efficient state, he shall be guilty of an offence.

(7) A person guilty of an offence under subsection (6) is liable—

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment, to a fine.".

F106 1968 c.31 (NI)

F107 1968 c.31 (NI)

F108 1991 NI 13

F109 Words in s. 54(2)(b) substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(15)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F110 Words in s. 54(4)(a) substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(16)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

55 Offence of taking fish in a fish pass, using fishing engines in a fish pass or placing obstacles in a fish pass.

(1) If any person—

(a) takes or kills any fish in a fish pass; or

(b) uses any fishing engine in a fish pass; or

(c) places any obstacle or contrivance of any kind or does any thing in or near a fish pass in order to deter or prevent fish from freely entering or passing through the fish pass at all times; or

(d) authorises or permits any other person to do any of the acts referred to in the foregoing paragraphs;

he shall be guilty of an offence …[F111].

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment, to a fine.

(2) Where a person is convicted under subsection (1)(*c*) of the offence of placing an obstacle or contrivance in a fish pass,[F112]. . . the Ministry may cause the obstacle or contrivance to be removed and may recover from that person any expenses reasonably incurred in so doing.

(3) Where—

(a) an offence under this section has been committed in relation to a fish pass provided in connection with a mill dam in such circumstances as to appear to the court to afford reasonable grounds for believing that the offence was committed—

(i) by some person in the employment or under the control of the owner or occupier of the mill; or

(ii) with the knowledge or connivance of the owner or occupier or of the person in charge of the mill; or

(iii) through the default of reasonable precaution on the part of the owner or occupier to prevent the offence;

and

(b) the person who committed the offence is unknown or cannot be found; and

(c) the owner or occupier of the mill is charged with the offence; the owner or occupier shall be deemed to be guilty of the offence and shall be punishable accordingly.

F111 1981 NI 7

F112 Words in s. 55(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(17), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

56 Restrictions on the use of fishing engines and rods and lines at or in the vicinity of dams.

(1) No person, other than a person to whom subsection (2) applies, shall— F113 F114

(a) use any fishing engine (other than a rod and line)**[** from any position on a dam or**]** at any place within**[**F115 200 metres**]** above or below any dam; [F113 or (b) use a rod and line from any position on or within**[**F115 5 metres**][**F114 or such other distance as may be prescribed by **[**F116regulations**]]** above or below any dam].

(2) Subsection (1) shall not apply to any person who is for the time being the owner of a several fishery in any place referred to in that subsection, and who is a successor in title of any other person who had exercised in that place the right of taking fish during the period of twenty years immediately preceding 14th August 1850 [F113; and paragraph (*b*) of that subsection shall not apply in any case or class of case in which it is excluded (either absolutely or upon the observance of prescribed conditions) by **[**F116regulations**]**.]

(3) If any person contravenes subsection (1) he shall be guilty of an offence, …F117.

(4) A person guilty of an offence under subsection (3) is liable—

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment, to a fine.".

F113 1968 c.31 (NI)

F114 1991 NI 13

F115 SR 1983/100

F116 S. 56(1)(2): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)** **F117** 1981 NI 7

57 Penalty for taking fish in works or watercourses appurtenant to mills.

(1) Subject to subsection (2), if any person at any time in any pool, work or watercourse appurtenant to a mill either wilfully takes or kills any fish or uses a fishing engine for the purpose of taking or obstructing fish, he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F118 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.".

~~(1)~~(2) Subsection (1) shall not apply to the lawful use of a rod and line for the taking of fish of any kind otherwise than during the annual close season for angling for fish of that kind.

~~(2)~~(3) Where—

(a) an offence under this section has been committed by means of shutting down or closing any gate or sluice which is under the exclusive power of the occupier of the mill; and

(b) the person who committed the offence is unknown or cannot be found; and

(c) the occupier of the mill is charged with the offence; the occupier shall be deemed to be guilty of the offence and shall be punishable accordingly.

~~(3)~~(4) Where—

(a) an offence under this section has been committed in such circumstances as to appear to the court to afford reasonable grounds for believing that the offence was committed—

(i) by some person in the employment or under the control of the owner or occupier of the mill; or

(ii) with the knowledge or connivance of the owner or occupier or of the person in charge of the mill; or

(iii) through the default of reasonable precaution on the part of the owner or occupier to prevent the offence; and

(b) the person who committed the offence is unknown or cannot be found; and

(c) the owner or occupier of the mill is charged with the offence; the owner or occupier shall be deemed to be guilty of the offence and shall be punishable accordingly.

F118 1981 NI 7

58 Provisions in relation to sluices, etc., of mills deriving water from rivers.

(1) The following provisions shall apply in relation to every mill**[**F119, whether or not for the time being it is used or capable of being used as such,**]** which derives its supply of water from a [F120 river]:—

(a) if there is a fish pass in the dam belonging to the mill, or if the dam is a weir and is not provided with a channel such as is mentioned in paragraph (*b*), the**[**F119 mill sluice nearest to the point where water is abstracted from a river for the mill**]** and the waste gates or over-falls shall be kept shut—

(i) for twenty-four consecutive hours in each week between the hour of six o'clock on Saturday afternoon and six o'clock on the next following Monday morning; and

(ii) during any other period when the mill is not being worked;

(b) if there is no fish pass in the dam belonging to the mill and if the waste gate on the upstream side of the mill sluices is erected in a channel suitable for the passage of fish, the mill sluices shall be kept shut and the waste gate kept open during the periods specified in sub-paragraphs (i) and (ii) of paragraph (*a*).

(2) **[**F119Subject to subsection (3),**]** if the provisions of paragraph (*a*) or paragraph (*b*) of subsection (1) are not complied with, the occupier of the mill shall be guilty of an offence …F121.

(2A) A person guilty of an offence under subsection (2) is liable—
(a) on summary conviction, to a fine not exceeding £20,000;
(b) on conviction on indictment, to a fine.".

[F119(3) The occupier of a mill shall not be guilty of an offence under this section if—

~~(c)~~(a) he proves—

(i) that compliance with paragraph (a) or (b) (whichever is applicable) of subsection (1) would have injuriously interfered with the machinery or water power of the mill, and

(ii) that the mill was in regular use immediately before the date of the coming into operation of Article 15 of the Fisheries (Amendment) (Northern Ireland) Order 1991 and that there has been no alteration of use since that date; or

~~(d)~~(b) he is the holder of a certificate issued by the Department under subsection (3A) and has not acted in contravention of that certificate.

(3A) Where the Department is satisfied that—

(a) having regard to the nature of the dam or of the river or of the kinds of fish frequenting or likely to frequent the river, it is unnecessary or unreasonable to insist upon compliance with the requirements of subsection (1); or

(b) alternative arrangements are provided to protect and facilitate the free passage of fish,

the Department may issue certificates exempting, in such circumstances, to such extent and subject to such conditions as it considers appropriate, the occupiers of mills from the requirements of subsection (1).

(3B) Where a certificate has been granted under subsection (3A) the Department may at any time—

(a) revoke the certificate; or

(b) vary or revoke any condition for the time being attaching to the certificate; or

(c) attach any condition or any further condition to the certificate; but no certificate shall be revoked nor shall any condition be varied or any condition or further condition imposed unless at least 28 days' notice of the Department's intention to make the revocation or, as the case may be, to vary or impose the condition, has been given to the person who appears to the Department to be for the time being entitled to the benefit of the certificate, and the Department shall consider representations made by him before the expiration of the notice.

(3C) Subsection (3D) shall apply where the Department—

(a) under subsection (3A), refuses to grant a certificate or grants a certificate subject to conditions,

(b) under subsection (3B), revokes a certificate, varies or revokes any condition for the time being attaching to a certificate, or attaches any condition or any further condition to a certificate.

(3D) Where this subsection applies—

(a) the Department shall give to the applicant or the holder of the certificate, as the case may be, notification of the reasons for its actions; and

(b) the applicant or the holder of the certificate may, within 28 days from the date on which such notification is given, appeal to the Appeals Commission.

(3E) Where—

(a) it appears to the Department that a mill has fallen into disuse, and

(b) the Department is unable, after making reasonable enquiries, to ascertain the identity of the owner or occupier of the mill,

the Department may take such steps as it considers necessary to ensure that the mill sluices and the waste gates or over-falls of the mill are kept shut.**]**

(4) In this section "mill sluices" means the sluices**[**F119 or gate valves**]** which admit water to a mill.

F119 1991 NI 13
F120 1968 c.31 (NI)
F121 1981 NI 7

ABSTRACTION OF WATER FROM RIVERS AND LAKES

59 Gratings to be set in watercourses diverted from rivers or lakes to prevent entry therein of fish.

(1) Where a watercourse to which this section applies carries water from a [F122 river] [F123 or lake]—

(a) there shall be placed, at the points where the watercourse diverges from and returns to the river [F123 or lake], gratings extending across the whole width of the watercourse and from the bottom of the bed or sill thereof to the level of the highest flood waters;

[F124(b) the space between the bars of such gratings shall not exceed—

(i) in the case of any grating placed at the point where the watercourse diverges from the river or lake, 5.1cm,

(ii) in the case of any grating installed before the date of the coming into operation of Article 16 of the Fisheries (Amendment) (Northern Ireland) Order 1991 and placed at the point where the watercourse returns to the river or lake, 5.1cm,

(iii) in the case of any grating installed on or after the date of the coming into operation of that Article of that Order, or installed before that date but renewed on or after it, and placed at the point where the watercourse returns to the river or lake, 2.5cm;**]**

(c) during the months of March, April and May and at any other time when the fry of salmon or trout are descending the river [F123 or lake], there shall be placed over the entire surface of every such grating a wire lattice of such dimensions as to effectually prevent the admission of fry or small fish into the watercourse;

(d) every such grating and such wire lattice shall be securely fixed in a permanent manner so as to prevent its being removed or opened, and shall be kept in constant repair.

(2) If, in respect of any watercourse to which this section applies (other than a watercourse in relation to which an exemption granted by the Ministry under subsection (4) is for the time being in force), the provisions of subsection (1) are not complied with, the owner or occupier of any premises to which the watercourse leads, or any other person who made, uses or has the care or maintenance of the watercourse, shall be guilty of an offence, …F125.

(3) Without prejudice to subsection (2), if any person—

(a) injures any grating or wire lattice placed in pursuance of subsection (1); or

(b) removes any such grating or lattice or part thereof, except, in the case of a lattice, during any period of the year during which such a lattice need not be maintained; or

(c) opens any such grating or lattice improperly; or

(d) permits any such grating or lattice to be injured or removed (except as is mentioned in paragraph (*b*)) or improperly opened;

he shall be guilty of an offence.

(3A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £20,000;
(b) on conviction on indictment, to a fine.

(4) If in respect of a watercourse to which this section applies,—

(a) the Ministry is satisfied that sufficient arrangements will be made by means other than those specified in subsection (1) to prevent the admission of fish or fry into the watercourse, and that, having regard to those arrangements, exemption should be granted from the obligations imposed by subsection (1); or

(b) where the watercourse is a watercourse constructed for the purpose of conveying water as a motive power for machinery, it is proved to the satisfaction of the Ministry that exemption during any period from the obligations imposed by subsection (1) is necessary for the effective working of the machinery,**[**F124 or**]**

[F124(c) the Department is satisfied—

(i) that the watercourse supplies a mill to which there belongs a dam,

(ii) that there is no fish pass in that dam,

(iii) that the waste gate on the upstream side of the mill sluices is erected in a channel suitable for the passage of fish, and

(iv) that exemption from the obligations imposed by subsection (1) is necessary to permit the free passage of fish,**]**

the Ministry may, by permit in writing, grant**[**F124 subject to such conditions as it considers appropriate**]** such exemption.

(5) Where an exemption has been granted under subsection (4) the Ministry may at any time—

(a) revoke the exemption; or

(b) vary or revoke any condition for the time being attaching to the exemption; or

(c) attach any condition or any further condition to the exception; but no exemption shall be revoked nor shall any condition be varied or any condition or further condition imposed unless at least twenty-eight days' notice of the Ministry's intention to make a revocation or, as the case may be, to vary or impose the condition, has been given to the person who appears to the Ministry to be for the time being entitled to the benefit of exemption, and the Ministry has considered any representations made by him before the expiration of the notice.

[F124(5A) Subsection (3D) of section 58 shall apply in relation to an exemption under subsection (4) of this section in the same manner as it applies for the purposes of subsection (3C) of that section.**]**

[F124(6) This section applies to any watercourse conveying water which has been diverted from the main course of a river or lake, except where the water is conveyed to provide for navigation.**]**

(7) In this section "fry" in relation to salmon includes parr and smolts [F123 and "watercourse" includes any pipe, culvert or other device].

F122 1968 c.31 (NI)
F123 1968 c.31 (NI)
F124 1991 NI 13
F125 1981 NI 7

S.60 rep. by 1973 NI 2

PART V

REGULATION OF FISHING FOR SALMON, EELS AND FRESHWATER FISH

PROHIBITION OF CERTAIN METHODS OF FISHING

62 Penalty for using certain devices for taking fish.

(1) If, for the purpose of taking**[**F126, or facilitating the taking of,**]** any fish, any person uses or has in his possession or control, in or on the bank of or near the waters of any lake, river or estuary, any light or fire or any electrical or acoustical apparatus of any kind, he shall be guilty of an offence.

(2) If, for the purpose of taking any fish, any person uses or has in his possession or control, in or on the bank of or near the waters of any lake, river or estuary, any instrument to which this subsection applies, he shall be guilty of an offence.

(3) If any person throws, releases or discharges any missile or other object into any water for the purpose of taking or killing, or facilitating the taking or killing, of any**[**F126 salmon, trout or rainbow trout**]**, he shall be guilty of an offence.

(4) In subsection (2) the expression "instrument to which this subsection applies" means any otter, tailer or snare, spear, stroke-haul, gaff or other instrument of a similar kind [F127 or any instrument or device calculated in the course of normal use to foul-hook any fish], but does not include—

(a) a**[**F126. . . tailer used or to be used solely as an auxiliary to lawful angling between sunrise and one hour after sunset; or

(b) a**[**F126. . . tailer used or to be used by the holder of a fishing licence in respect of any box in a fishing weir solely for the purpose of lawfully removing fish therefrom; or

(c) an eel spear used for taking eels.

[F126(4A) In subsection (4)—

"gaff" means a hooked instrument (with or without a barb) used to penetrate the gills or body of a fish; and

"otter" means an otter lath or jack, and includes any instrument, whether used with a handline, or as an auxiliary to a rod and line, or otherwise for the purpose of running out lures, artificial or otherwise.**]**

~~(5) A person who is guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding [F128 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.~~

(5) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

F126 1991 NI 13
F127 1968 c.31 (NI) **F128** 1981 NI 7

63 Fishing for salmon or trout by cross lines.

[F129(1)**]** If any person takes or fishes for salmon or trout by means of cross lines in any river**[**F129 or lake**]** he shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

~~(a)~~(b) on conviction on indictment, to a fine.

[F129(2) In subsection (1) "cross lines" means fishing lines—

(a) reaching from one position to another across water and fixed or held at each of their ends, and

(b) having attached to them one or more baited hooks or lures, artificial or otherwise.**]**

F129 1991 NI 13

64 Penalty for taking salmon or trout in eel weir.

(1) If the owner or occupier of an eel weir takes or suffers to be taken therein any salmon or trout, he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F130 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

1(A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

~~(1)~~(2) Where a person is charged with an offence under this section it shall be a good defence to prove that such salmon or trout was taken unintentionally and, immediately upon being taken, was returned to the water without any avoidable injury.

F130 1981 NI 7

65 Penalty for damming or teeming river or millrace for purpose of taking salmon or trout.

(1) If any person dams, teems or empties any river or millrace for the purpose of taking or destroying any salmon or trout, he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F131 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.".

F131 1981 NI 7

66 Restrictions on use of nets.

(1) If any person—

(a) uses any one or more than one net of any kind in such a manner as to obtain the same advantage as he would have obtained by using a net the meshes of which are of a size smaller than that for the time being permitted under this Act for nets of that kind; or

(b) uses a net covered with canvas, hide, or other substance for the purpose of taking small fish; or

(c) affixes or keeps up continued nets stretched across a river; he shall be guilty of an offence.

1(A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.".

(2) Subsection (1)(*b*) shall not apply to a net used either in the sea or within an estuary solely for the purpose of dredging for shell-fish.

67 Mesh of nets made of non-rigid material for the taking of salmon in the sea or tideways.

(1) If, in the sea or in the tidal portion of a river, any person uses any net to which this section applies with a mesh of less size than**[**F132 4.4 centimetres**]** from knot to knot, to be measured along the side of the square, or**[**F132 17.6 centimetres**]** to be measured all round each such mesh, such measurements being taken in the clear when the net is wet, then, subject to subsection (2), he shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.".

~~(1)~~(2) **[**F133The Department**]**may by **[**F134regulations**]** permit the use of nets to which this section applies having meshes of a less size than that specified in subsection (1), and this section shall have application with respect to any net to which such **[**F134regulations**]** apply as if for the dimensions specified in subsection (1) there were substituted the dimensions specified in those **[**F134regulations**]**.

~~(2)~~(3) In this section the expression "net to which this section applies" means any net or other engine which is not formed of a rigid material and which is used for the taking of salmon.

F132 SR 1983/100

F133 S. 67(2): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F134 S. 67(2): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

68 Meshes or openings of engines made of rigid material for the taking of salmon in the sea or tideways.

(1) If, in the sea or in the tidal portion of a river, any person uses any engine to which this section applies with meshes or openings of less width than**[**F135 7.5 centimetres**]** on each side of the square, or, where no meshes or openings of the nature of reticulations are used, of less width between the bars than**[**F135 5 centimetres**]**, he shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £50,000;
(b) on conviction on indictment, to a fine.

~~(1)~~(2) In this section the expression "engine to which this section applies" means any engine which is formed of rigid material and is used for the taking of salmon.

F135 SR 1983/100

69 Use of salmon nets near mouths of rivers.

(1) If any person (other than the owner of a several fishery within the limits thereof) shoots, draws or uses any net for taking salmon—

(a) at the mouth of any river; or

(b) within**[**F136 805 metres**]** in any direction from the mouth of any river, he shall be guilty of an offence.

[F137(2) Any person (other than the owner of a several fishery in the whole of a river or its tributaries, within the limits of that several fishery)—

(a) who shoots, draws or stretches a net across the mouth or across any other part of a river; and

(b) who fails to leave open a channel which is—

(i) at least one-quarter of the width of the mouth of the river or, as the case may be, of that other part of the river, or 18 metres, whichever is the less, and

(ii) of sufficient depth and width to facilitate the passage of salmon in that river;

shall be guilty of an offence.**]**

(2A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £50,000;
(b) on conviction on indictment, to a fine.

(3) Where an order under section 16 defines the mouth of a tributary river, references in this section to the mouth of a river shall be construed as including references to the mouth of that tributary river.

F136 SR 1983/100

F137 1991 NI 13

70 Powers of Board with respect to drift nets for the taking of salmon in the sea.

(1) Where **[**F138the Department**][**F139is**]** satisfied that it is expedient to control the use of drift nets for the taking of salmon in the sea, **[**F140it**]** may make **[**F141regulations**]** prohibiting, restricting or otherwise controlling—

(a) the use of such nets for fishing for salmon in the sea;

(b) the landing of salmon taken by means of such nets;

(c) the having in possession of salmon taken or landed in contravention of the **[**F141regulations**]**.

(2) **[**F141 Regulations**]** under this section restricting or otherwise controlling fishing for salmon may prescribe—

(a) the classes of persons to whom there may be issued fishing licences in respect of nets to which the **[**F141regulations**]** apply;

(b) the classes of boats which may be used for the working of such nets;

(c) the maximum number of fishing licences which may be issued in any year in respect of such nets;

(d) the manner in which such licences shall be allocated in any case where the number of valid applications for such licences in any year exceeds the number prescribed under paragraph (*c*) in respect of that year.

(3) If any person contravenes any **[**F141regulations**]** made under this section, he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F142 £1,000] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(4) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

F138 S. 70(1): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F139 Word in s. 70(1) substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(18)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)**

F140 S. 70(1): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(b)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F141 S. 70: word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F142 1981 NI 7

71 Restriction on use of nets in fresh water.

(1) Save as is permitted by or under subsection (2), it shall not be lawful for any person to use any net in the freshwater portion of any river or in any lake.

(2) Subsection (1) shall not apply to—

(a) the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line;

(b) the lawful use of a net solely for the purpose of removing fish from traps in a fishing weir;

(c) the lawful use of a fixed engine under section 73;

(d) the lawful use in a several fishery of draft nets for the taking of salmon or trout where such nets were lawfully used during the open fishing season of one or more of the five years immediately preceding 1st January,**[**[F143] 1972**]**;

(e) the lawful use of draft nets for the capture of salmon or trout in any lake by members of the public who depend on such netting as a means of livelihood where—

(i) such nets are so used with the consent of every owner of a several fishery in that lake; and

(ii) such nets were so used with such consent or as of right by any such members of the public within the period of**[**[F143] eighteen years immediately preceding 1st January 1986**]**;

(f) the lawful use of nets for the taking of eels—

(i) in or in the vicinity of an eel weir; or

(ii) in accordance with regulations made under section 15;

(g) the lawful use, in accordance with **[**[F144]regulations**]** , of nets for the taking of fish other than salmon, trout or eels.

(3) If any person uses a net in contravention of this section he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F145 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(3A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

~~(3)~~(4) In this section, "trout" does not include pollen.

F143 1991 NI 13

F144 S. 71(2)(g): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)** **F145** 1981 NI 7

72 Mesh of nets for taking fish in fresh water.

(1) No person shall, under section 71(2)(*c*), (*d*), (*e*) or (*g*), use any net with a mesh of less size than—

(a) such size as may be prescribed by **[**[F146]regulations**]** ; or

(b) if no size is so prescribed, a size of**[**[F147] 4.4 centimetres**]** from knot to knot, to be measured along the side of the square, or**[**[F147] 17.6 centimetres**]** to be measured all round each mesh, such measurements being taken in the clear when the net is wet.

(2) No person shall, under section 71(2)(*f*), use any net with a mesh of less size than—

(a) such size as may be prescribed by regulations made under section 15; or (b) if no size is so prescribed, the size specified in subsection (1)(*b*).

(3) If any person contravenes subsection (1) or (2) he shall be guilty of an offence.

(4) A person guilty of an offence under subsection (3) is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.

F146 S. 72(1)(a): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F147 SR 1983/100

PROHIBITION OF FISHING WEIRS AND FIXED ENGINES, WITH CERTAIN EXCEPTIONS

73 Restriction with respect to fishing weirs or fixed engines in fresh water portion of rivers or lakes.

(1) It shall not be lawful for any person to erect or to use in the freshwater portion of any river or lake any fishing weir or a fixed engine of any description, unless that fishing weir or a fixed engine of that description was in existence and was lawfully used therein by that person or a predecessor in title of his during the open fishing season of one or more of the five years immediately preceding 1st January 1965.

(2) If any person erects or uses a fishing weir or fixed engine in contravention of this section he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F148 £1,000] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(2A) A person guilty of an offence under this section is liable—

(a)on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

~~(a)~~(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years.".

(3) The prohibition in subsection (1) shall not apply to—

(a) long lines used solely for the capture of eels; or

(b) any eel weir or any fixed engine for the capture of eels established and used in accordance with regulations made under section 15; or

(c) engines used in accordance with **[**F149regulations**]** for the capture of fish other than salmon or eels.

F148 1981 NI 7

F149 S. 73(3)(c): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

74 Restriction on use of fixed engines for the capture of salmon in the sea or tideways.

(1) It shall not be lawful for any person to erect or to use any fixed engine for the capture of salmon in the sea or in the tidal portion of a river unless a certificate in regard to such a fixed engine was granted under the Salmon Fishery (Ireland) Act 1863 to him or a predecessor in title of his before the commencement of this Act and is for the time being subsisting unrevoked.

(2) If any person erects or uses any fixed engine for the capture of salmon in contravention of this section he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F150 £1,000] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(3) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

F150 1981 NI 7

REGULATIONS AS TO FIXED ENGINES

78 Prohibition of erecting or using fixed engines at mouths of rivers.

(1) If at or within**[**F154 1610 metres**]** in any direction from the mouth of any salmon river any person, other than the owner of a several fishery within the limits thereof, erects or uses any fixed engine, that person shall be guilty of an offence …F155.

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.

~~(1)~~(2) Where an order under section 16 defines the mouth of a tributary river, the reference in subsection (1) to the mouth of any river shall be construed as including a reference to the mouth of that tributary river.

F154 SR 1983/100 **F155** 1981 NI 7

79 Prohibition of bag nets in certain places.

(1) Subject to subsection (3), no bag net shall be placed or allowed to remain in any river or estuary or within a distance of**[**F156 4830 metres**]** from the mouth of any river.

(2) If any bag net is placed or allowed to remain in contravention of this section—

(a) it shall be deemed a common nuisance and may be taken possession of or destroyed; and

(b) the owner of the bag net shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F157 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

2(A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

(3) This section shall not apply to—

(a) the placing or continuing, within[F156 4830 metres] of the mouth of a river, of a bag net, where the owner of the bag net has the exclusive right of catching salmon in the whole of that river, including all tributary rivers and lakes upon the course of that river, and where that owner or a predecessor in title of his had on or immediately before 28th July 1863 exercised that right by means of a bag net at the place where the first-mentioned bag net is placed; or

(b) the placing or continuing, in accordance with the provisions of a licence granted under section 77(2), of a bag net the erection and use of which is authorised by the licence.

F156 SR 1983/100 **F157** 1981 NI 7

80 Regulations as to construction and user of bag nets.

(1) If any person maintains or uses any bag net—

(a) the meshes of the nets of any leader whereof are not stretched to their full opening; or

(b) which is so constructed that the leaders thereof cannot be raised and kept out of the water;

he shall be guilty of an offence …[F158].

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.

F158 1981 NI 7

REGULATIONS AS TO FISHING WEIRS

81 Free gaps in fishing weirs.

(1) In every fishing weir (other than an eel weir with respect to which a licence granted by the Ministry under section 84 is for the time being in force) there shall be a free gap or opening in accordance with the following provisions:— (a) the free gap shall be situate in the deepest part of the stream;

(b) the sides of the free gap shall be in line with and parallel to the direction of the stream at the weir;

(c) the bottom of the free gap shall be level with the natural bed of the stream above and below the gap;

(d) the width of the free gap at its narrowest part shall be not less than one-tenth part of the width of the stream:

Provided that it need not be wider than[F159 15.2 metres], and must not be narrower than[F159 91 centimetres];

(e) no existing free gap in any fishing weir shall be reduced in width or a gap of less width substituted therefor or any alteration made therein so as to reduce the flow of water through the gap.

(2) The requirements of subsection (1), in so far as they relate to the provision of a free gap in every fishing weir, shall, in the case of a fishing weir in which there was no

free gap on 1st January, 1965, be deemed to be complied with if immediately adjoining the weir there then was and continues to be a navigation gap which conforms in form and dimensions to the requirements of that subsection, and all the provisions of this Act which apply to free gaps in fishing weirs (other than those which require the free gap to be in the weir) shall apply to any such navigation gap.

(3) Where there is no free gap in a fishing weir or where a free gap has been made in a fishing weir but is not maintained in accordance with subsection (1), then, unless that fishing weir is an eel weir which is for the time being excepted from the application of subsection (1), the owner and the occupier of the fishing weir shall each be guilty of an offence …[F160].

(3A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.

~~(3)~~(4) Where the provisions of subsection (1) have been contravened [F161]. . . the Ministry, may provide or restore a free gap and may recover from the owner or the occupier of the fishing weir any expenses reasonably incurred in executing the works undertaken for that purpose.

F159 SR 1983/100

F160 1981 NI 7

F161 Words in s. 81(4) repealed (1.6.2009) by virtue of Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(19), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

82 Offence of affecting flow of water through free gap by alteration of bed of river.

(1) If any alteration is made in the bed of a river in such manner as to reduce the flow of water through the free gap in a fishing weir, the person making the alteration shall be guilty of an offence …[F162].

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.

F162 1981 NI 7

83 Fishing in or near or obstructing free gaps.

(1) Subject to subsection (4), if any person—

(a) uses any fishing engine in a free gap in a fishing weir; or

(b) uses any fishing engine (not being a rod and line) within**[**[F163] 45.5 metres**]** above or below any part of a fishing weir or the free gap in a fishing weir; or

(c) places any obstruction in a free gap; or

(d) uses any contrivance or does any act whereby fish may be scared, deterred or in any way prevented from freely entering and passing up and down a free gap at all times; or

(e) places any thing whatsoever in, over or across a free gap in a fishing weir, except a temporary bridge or board during the time only when the persons engaged in the fishing of that weir are passing over the free gap; or

(f) in any manner prevents the free and uninterrupted passage of fish through the free gap at any time; or

(g) authorises or instructs or permits any other person to do any of the acts referred to in the foregoing paragraphs;

he shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £50,000;
(b) on conviction on indictment, to a fine.

(2) Where the owner or occupier of a fishing weir is charged under subsection (1) with the offence of placing an obstruction in the free gap in that weir, and it is proved that the obstruction was placed in the free gap, it shall be presumed, until the contrary is shown, that the obstruction was placed in the free gap by him.

(3) Where a person is convicted of an offence under this section in respect of an obstruction in the free gap of a fishing weir, F164. . . the Ministry, may cause the obstruction to be removed and may recover from that person any expenses reasonably incurred in so doing.

(4) Where a licence granted by the Ministry under section 84 with respect to an eel weir is for the time being in force, this section shall not operate to penalise any act or thing authorised by the licence.

F163 1991 NI 13

F164 Words in s. 83(3) repealed (1.6.2009) by virtue of Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(20), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

85 Rules as to boxes in salmon weirs.

(1) The following rules shall be observed in relation to the construction and use of boxes in salmon weirs:—

(a) the surface of the floor of the box shall be level with the natural bed of the river;

(b) the inscales and the heck of the box shall be capable of being removed and opened up;

(c) the bars of the heck of the box shall be placed perpendicularly;

(d) the inscales and the heck of the box shall be so constructed that no bar or part of a bar is nearer to any other bar or part of a bar than such distance as may be prescribed by **[**F165regulations**]** , or if no distance is prescribed, a distance of**[**F166 5.1 centimetres**]**;

(e) the box shall not be built over or in any other manner hidden from public inspection.

(2) If any person constructs or uses any box in a salmon weir in contravention of subsection (1), he shall be guilty of an offence …F167.

(2A) A person guilty of an offence under subsection (2) is liable—

(a) on summary conviction, to a fine not exceeding £50,000;
(b) on conviction on indictment, to a fine.

~~(2)~~(3) If any box in a salmon weir is constructed in contravention of this section,[F168]. . . the Ministry may cause the parts of that box which do not comply with the requirements of this section to be removed, and may recover from the occupier of the weir any expenses reasonably incurred in so doing.

F165 S. 85(1)(d): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F166 SR 1983/100

F167 1981 NI 7

F168 Words in s. 85(3) repealed (1.6.2009) by virtue of Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(21), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

86 Construction of guiding walls appurtenant to salmon weirs.

(1) There shall not be attached to a salmon weir in a river any guiding wall of greater length than—

(a) **[**[F169]6 metres**]**; or

(b) such length, being less than**[**[F169] 6 metres**]**, as the Ministry may by order appoint with respect to a salmon weir specified in the order,

that length being measured, in either case, from the upstream or downstream face of the weir along the centre line of the guiding wall.

(2) There shall not be attached to any salmon weir any guiding wall which has the effect of narrowing up or preventing the ingress or discharge of water through or from the free gap in the weir.

(3) If any salmon weir has a guiding wall in contravention of subsection (1) or (2), the following provisions shall have effect:—

(a) the occupier of the weir shall be guilty of an offence …[F170]; and

(b) [F171]. . . the Ministry may cause the guiding wall to be altered or removed, and may recover from the occupier of the weir any expenses reasonably incurred in so doing.

(4) If the occupier of a salmon weir in a river makes such use of any island or natural obstruction in the river as secures to him the advantage he would have obtained by attaching to the weir a guiding wall contravening subsection (1), he shall be guilty of an offence …[F170].

(4A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £50,000;
(b) on conviction on indictment, to a fine.

~~(4)~~(5) In this section, the expression "guiding wall" means any spur or tail wall, leader or outrigger, but does not include the main wall of the salmon weir that connects the boxes of the weir with the bank of the river.

F169 SR 1983/100

F170 1981 NI 7

F171 Words in s. 86(3)(b) repealed (1.6.2009) by virtue of Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(22), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

87 Restriction on possession of unlawful fishing engines, etc.

(1) It shall not be lawful for any person to have in his possession or control in any waters or on or near the banks of any waters any fishing engine or lure or bait, if the use of that engine, lure or bait in those waters for the purpose of taking fish is unlawful.

(2) Any person who has in his possession or control any fishing engine or lure or bait in contravention of this section shall be guilty of an offence.

(2A) A person guilty of an offence under subsection (2) is liable—
(a) on summary conviction, to a fine not exceeding £50,000;
(b) on conviction on indictment, to a fine.

~~(2)~~(3) Where a person is charged with an offence under subsection (2) in relation to the possession or control of a net and it is proved that he was found in possession or control of the net in or in the vicinity of the freshwater portion of a river or any lake, it shall be presumed that he had the possession or control of the net with intent to use it in the freshwater portion of the river or in the lake in contravention of section 71(1) unless and until he satisfies the court that at the time the offence is alleged to have been committed—

(a) he intended and was entitled to use the net in one of the manners specified in section 71(2); or

(b) if he was found in possession or control of the net in the vicinity of the boundary between the tidal and freshwater portions of a river, that he intended and was entitled to use the net in the tidal portion of the river or in the sea;

and also proves, in either case, that he was the holder of a fishing licence, if such is required by or under this Act, for the net.

88 Taking salmon or trout unlawfully killed or found dead.

(1) A person who by any means removes or causes to be removed from any waters—

(a) any salmon or trout which has been injured or killed otherwise than by lawful means; or

(b) any salmon or trout which has been found dead, from any cause whatever, by that person;

shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £50,000;
(b) on conviction on indictment, to a fine.

(2) Subsection (1) shall not apply to any of the following persons— (a) any person acting under the authority of the Ministry; or

(b) F172. . . . . .

(c) any owner of a fishery in those waters; or

(d) any agent of the owner of a fishery in those waters; or

(e) any member of the Royal Ulster Constabulary; or

(f) [F173 any person acting under the authority of a district council].**[**F174 or**]**

[F174(g) any private water bailiff appointed to protect those waters.**]**

(3) Where a person is charged with an offence under this section in respect of any fish it shall be a good defence to prove that he removed the fish from any waters, or caused it to be so removed, solely for the purpose of delivering it to a person designated in any of paragraphs (*a*) to (*f*) of subsection (2), and that he did so deliver it before being required to do so by any such person.

F172 S. 88(2)(b) 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(23), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b) (e)**

F173 SRO (NI) 1973/343

F174 1991 NI 13

PART VI

TIMES OF FISHING FOR SALMON, TROUT, POLLEN AND EELS

ANNUAL CLOSE SEASON FOR SALMON AND TROUT CAUGHT OTHERWISE THAN BY ROD AND LINE

90 Penalties for fishing otherwise than by rod and line for salmon or trout during the annual close season for salmon and trout.

(1) If any person fishes for, takes or wilfully kills salmon or trout during the annual close season for salmon and trout, he shall be guilty of an offence ~~and shall be liable on summary conviction to [F176 a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment, and shall in addition be liable to a further fine not exceeding £50 for every salmon and £10 for every trout taken or so killed by him]~~.

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or both;

~~(a)~~(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

(2) This section shall not apply to—

(a) the fishing for or taking of salmon or trout by rod and line, or the killing of salmon or trout so taken; or

(b) the fishing for, taking or killing of salmon or trout in any ~~fish farm with respect to which a fish culture licence~~ aquaculture farm with respect to which an aquaculture licence under section 11 is for the time being in force, in accordance with the terms of the licence.

F176 1981 NI 7

91 Provisions to be observed in relation to fixed engines during the annual close season for salmon and trout

(1) During the annual close season for salmon and trout every net, leader or other moveable part of a fixed engine used for the taking of salmon or trout shall be removed from the poles or fixtures to which it is attached and shall be taken from thence.

(2) If in respect of any fixed engine there is a contravention of the provisions of subsection (1), the occupier of the fixed engine shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F177 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(2A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

~~(2)~~(3) Nothing in this section shall be construed as rendering liable to any penalty a person who satisfies the court that he was prevented by floods, storm or stress of weather from complying with subsection (1) during the continuance of that prevention.

F177 1981 NI 7

92 Dismantlement of salmon weirs during the annual close season for salmon and trout.

(1) Within thirty-six hours of the commencement of the annual close season for salmon and trout, all the moveable parts of a salmon weir shall be removed from the weir and shall be taken from thence.

(2) The moveable parts of a salmon weir shall not be placed in or on that weir earlier than thirty-six hours before the expiration of the annual close season.

(3) During the annual close season (except the first and the last thirty-six hours thereof) the moveable parts of a salmon weir shall not be allowed to remain in or on that weir.

(4) If in respect of any salmon weir there is a contravention of the provisions of subsection (1), (2) or (3) the occupier of the weir shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F178 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(4A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or both;

~~(a)~~(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

~~(4)~~(5) Nothing in subsection (4) shall be construed as rendering liable to any penalty an occupier of a salmon weir who satisfies the court that he was prevented by floods, storm or stress of weather from complying with subsection (1) during the continuance of that prevention.

~~(5)~~(6) Where the occupier of a salmon weir is convicted of an offence under this section, F179 . . . the Ministry, may cause to be removed from the salmon weir the moveable parts in respect of which the offence was committed and may recover from the occupier any expenses reasonably incurred in so doing.

~~(6)~~(7) In this section the expression "moveable parts" means, in relation to a salmon weir, the inscales and heck of every box in the salmon weir and all other fittings and articles used in connection with those boxes which are capable of removal.

F178 1981 NI 7

F179 Words in s. 92(6) repealed (1.6.2009) by virtue of Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 6, 7(1), Sch. 1 Pt. 2 para. 3(24), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

93 Removal of nets from banks, etc., of waters during the annual close season for salmon and trout.

(1) All nets used for taking salmon or trout shall be removed from the banks of any waters and from the vicinity thereof during the annual close season for salmon and trout.

(2) If subsection (1) is not complied with in regard to any net, the owner of, or the person who used, that net shall be guilty of an offence.

(3) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £20,000;
(b) on conviction on indictment, to a fine.

94 Use of nets in inland waters during the annual close season for salmon and trout.

(1) Subject to subsection (2), if any person, during the annual close season for salmon and trout, does, in the freshwater portion of any river or lake, any of the following things—

(a) places, affixes or attaches any net to any stake, bridge, sluice or lock gates of a canal or other such fixed erection; or

(b) lays, draws or fishes with any net whatsoever; he shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £20,000;
(b) on conviction on indictment, to a fine.

(2) This section shall not apply to—

(a) the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line;

(b) the lawful use of a net for the taking of eels; or

(c) the lawful use, in accordance with **[**F180regulations**]** , of nets for the taking of fish other than salmon, trout or eels.

F180 S. 94(2)(c): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

ANNUAL CLOSE SEASON FOR ANGLING FOR SALMON AND ANNUAL CLOSE SEASON FOR ANGLING FOR TROUT

96 Angling for salmon or for trout during annual close season for angling for salmon or annual close season for angling for trout.

(1) If during the annual close season for angling for salmon or the annual close season for angling for trout any person fishes for, takes or wilfully kills salmon or trout, as the case may be, with rod and line, he shall be guilty of an offence.

(2) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £20,000;
(b) on conviction on indictment, to a fine.

WEEKLY CLOSE TIME FOR SALMON AND TROUT CAUGHT OTHERWISE THAN BY ROD AND LINE

98 Penalty for fishing otherwise than by rod and line for salmon or trout during the weekly close time.

(1) Subject to subsection (2), if, during the weekly close time, any person fishes for, takes or wilfully kills salmon or trout he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F183 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

~~(1)~~(2) Subsection (1) shall not apply to the lawful use of a rod and line for the taking of salmon or trout otherwise than during the annual close season for angling for salmon or, as the case may be, the annual close season for angling for trout.

F183 1981 NI 7

99 Provisions to be observed in relation to certain fixed engines during the weekly close time.

(1) During the weekly close time—

(a) the netting of the leader of every bag net used for catching salmon shall be raised and kept out of the water; and

(b) all other nets used as fixed engines for the taking of salmon or trout shall be wholly removed from the water.

(2) If in respect of any bag net the provisions of subsection (1)(*a*), or if in respect of any other net to which subsection (1)(*b*) applies the provisions of subsection (1)(*b*), are not complied with, the occupier of that bag net or net shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F184 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(2A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

(3) Nothing in this section shall be construed as rendering liable to any penalty a person who satisfies the court that he was prevented by floods, storm, or stress of weather from complying with subsection (1) during the continuance of that prevention.

F184 1981 NI 7

100 Provisions to be observed in relation to salmon weirs during the weekly close time.

(1) During the weekly close time the inscales and heck of each box in a salmon weir shall be either removed or opened out in such a manner that a clear opening of not less than**[**F185 1.2 metres**]** in width is left open therein from the top to the bottom of the box and a free, direct and uninterrupted space of that width is effectually secured for the passage of all fish, both up and down, through the box.

(2) If in respect of any salmon weir the provisions of subsection (1) are not complied with, the occupier thereof shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F186 £500] in respect of each box in the weir the inscales and heck whereof are not removed or opened out as required by subsection (1)~~.

(2A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment, to a fine.

~~(2)~~(3) Nothing in subsection (2) shall be construed as rendering liable to any penalty a person who satisfies the court that he was prevented by floods, storm or stress of weather from complying with subsection (1) during the continuance of that prevention.

F185 SR 1983/100
F186 1981 NI 7

101 Penalty for preventing fish from passing through boxes, etc., during the weekly close time.

(1) If any person, during the weekly close time—

(a) uses any means or contrivance to prevent the free passage of fish through any box or gap in a salmon weir or through any fixed engine; or

(b) in any way or by any means wilfully frightens or scares or attempts to frighten or scare any fish from passing through such a box or gap or through the traps or eyes of a fixed engine;

he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F187 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(2) A person guilty of an offence under this section is liable—

(a)on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or both;

~~(a)~~(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

F187 1981 NI 7

102 Scaring or obstructing free passage of salmon or trout during the weekly close time.

(1) Without prejudice to section 101, if any person scares, impedes or obstructs the free passage of salmon or trout during the weekly close time, he shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £20,000;
(b) on conviction on indictment, to a fine.

~~(1)~~(2) This section shall not apply to any person who takes fish lawfully by rod and line during the weekly close time.

103 Use of nets in inland waters during the weekly close time.

(1) Subject to subsection (2), if any person, during the weekly close time, does, in the freshwater portion of any river or lake, any of the following things—

(a) places, affixes or attaches any net to any stake, bridge, sluice, lock gate of a canal or other such fixed erection; or

(b) lays, draws or fishes with any net whatsoever; he shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £20,000;
(b) on conviction on indictment, to a fine.

(2) This section shall not apply to—

(a) the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line;

(b) the lawful use of a net for the taking of eels; or

(c) the lawful use, in accordance with **[**F188regulations**]** , of nets for the taking of fish other than salmon, trout or eels.

F188 S. 103(2)(c): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

OTHER RESTRICTIONS AS TO TIMES OF FISHING FOR SALMON AND TROUT

104 Restriction on use of salmon or trout nets during certain hours in freshwater portions of rivers.

(1) Subject to subsection (3), it shall not be lawful for any person to use any net for the capture of salmon or trout in the freshwater portion of any river between the hours of eight o'clock in the evening and six o'clock in the morning.

(2) If any person contravenes subsection (1) he shall be guilty of an offence.

(2A) A person guilty of an offence under this section is liable—
(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment, to a fine.

~~(2)~~(3) This section shall not apply to the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line [F189 or in connection with the lawful operation of a fishing weir.]

F189 1968 c.31 (NI)

EELS

108 Prohibition of taking etc. eels, otherwise than by rod and line, during the annual close season.

(1) Subject to subsection (2), and without prejudice to section 109, if any person—

(a) during the annual close season for eels taken otherwise than by means of a fishing engine to which section 107(*a*) applies, fishes for, takes or wilfully kills eels by any method whatsoever; or

(b) during the annual close season for eels taken by means of such a fishing engine, fishes for, takes or kills eels by means of such a fishing engine; or

(c) has in his possession during such period as may be prescribed by regulations, or, if no period is so prescribed, during the period from 31st March in any year to the then next-following 30th April, any eel other than an eel that he proves was captured elsewhere than in any part of Northern Ireland outside the Londonderry Area **[**F192or the Newry Area**]**;

he shall be guilty of an offence. ~~and shall be liable on summary conviction [F193 to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.]~~

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or both;

~~(a)~~(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

(2) [F194 Paragraph (*a*)] of subsection (1) shall not apply to the fishing for or taking of eels by rod and line, or the killing of eels so taken, and paragraph (*c*) of that subsection shall not apply to a person who, having any eel in his possession during the period referred to therein, proves that the eel was caught by rod and line at a particular place by [F194 a person who was the holder of a fishing licence authorising him to angle for eels or who was exempted by **[**F195regulations**]** made under section 37(*f*) from the requirement to hold such a licence] otherwise than during any period for the time being fixed by **[**F195regulations**]** as a close season for angling for eels.

(3) The Ministry may by order made subject to affirmative resolution provide that this section shall have effect as if the words in subsection (1)(*c*) from "other" onwards were omitted.

F192 Words in s. 108(1)(c) 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. 2(8)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

F193 1981 NI 7

F194 1968 c.31 (NI)

F195 S. 108: word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

109 Placing fishing engines for taking eels in eyes, etc., of fishing weirs during the annual close season for eels or during the daytime.

(1) If any person places or hangs any fishing engine for taking eels in an eye or gap of any fishing weir during—

(a) the annual close season for eels taken by means of a fishing engine to which section 107(*a*) applies; or

(b) the daytime, within any period that is not the annual close season for eels taken by a fishing engine to which section 107(*a*) applies,

he shall be guilty of an offence. ~~and shall be liable on summary conviction [F196 to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.]~~

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or both;

~~(a)~~(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

(2) Where a person is charged with an offence under this section and it is proved that at a particular time a fishing engine for taking eels was placed or was hanging in an eye or gap of a fishing weir, and that that person was at that time the occupier of the fishing weir, then it shall, until the contrary is proved, be presumed that the fishing engine was so placed or hung by him.

F196 1981 NI 7

PART VII

RESTRICTIONS ON DEALINGS IN SALMON, TROUT AND EELS

110 Prohibition of sale, etc., of salmon or trout unlawfully captured.

~~(1)~~ (1) Subject to the succeeding provisions of this section, if any person buys, sells, offers or exposes for sale or has in his possession any salmon or trout unlawfully captured, he shall be guilty of an offence under this Part. ~~and shall be liable—~~ F197

~~(2) on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and shall in addition be liable to a further fine not exceeding £50 for every salmon and £10 for every trout so bought, sold, offered or exposed for sale or found in his possession;~~

~~on conviction on indictment to [F198 an unlimited fine] or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.]~~

(2) In any proceedings under this section, the onus of proving that the salmon or trout, the subject of the proceedings, was lawfully captured shall lie on the defendant.

(3) Where a person, being a common carrier, is charged with the offence of having in his possession any salmon or trout unlawfully captured, it shall be a good defence to the charge for him to prove—

(a) that he had the salmon or trout in his possession as a common carrier and not otherwise; and

(b) that at the time at which the salmon or trout was accepted by him for carriage, the consignor delivered to him a certificate in writing signed by the consignor to the effect that the salmon or trout was lawfully captured.

(4) F199 . . . . . .

(5) Where a person is charged with an offence under subsection (1) in relation to a salmon or a trout and—

(a) he proves that he acquired the fish from a person who then was, or whom he believed on reasonable grounds then to have been, the holder of a dealer's licence issued under the succeeding provisions of this Part; or

(b) he satisfies the court that he had no reason to suppose the fish to have been unlawfully captured, and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence;

the charge against that person shall be dismissed.

(6) If a person in a certificate signed by him and delivered to a common carrier under subsection (3)(*b*) makes any statement which to his knowledge is false, he shall be guilty of an offence [F200 ~~and shall be liable on summary conviction to a fine not exceeding £500~~.]

(7) A person guilty of an offence under subsection (6) is liable—

(a) on summary conviction to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.

F197 1981 NI 7

F198 1984 NI 3

F199 S. 110(4) repealed (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 34, Sch. 2 para. 2(9), **Sch. 3** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

F200 1981 NI 7

[F201 111 Prohibition of purchase, sale, etc., of salmon, trout, pollen and brown eels at certain times.

(1) If any person buys, sells, offers or exposes for sale or has in his possession for sale—

(a) any salmon or trout at any time during the period from 15th September in any year to 31st January in the next-following year; or

(b) any pollen at any time during the period from 7th November in any year to 31st January in the then next-following year; or

(c) any brown eels at any time during the period from 16th January in any year to the date in that year of the commencement of the period mentioned in section 108(1)(*c*);

he shall be guilty of an offence under this Part.

(2) Subsection (1) shall not apply to any person buying, selling, offering or exposing for sale or having in his possession for sale any fish of a kind mentioned in paragraph (*a*) or, as the case may be, (*b*) or (*c*) of that subsection which he proves was **[**F202(a) reared in an ~~fish farm~~ aquaculture farm; or

(b) supplied by the Department.**]**

(3) For the purposes of this section a person shall be deemed to have a salmon or trout or, as the case may be, a pollen or a brown eel in his possession for sale if it is found at any place, or on or in any vehicle, specified in a dealer's licence issued to him under the succeeding provisions of this Part, unless he satisfies the court that it was not his intention to sell it.

[F203(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.**]**

(5) Notwithstanding anything in section 19(2) or **[**F204 26(3) any**]** regulations made under subsection (4), shall be subject to affirmative resolution.]

F201 1968 c.31 (NI) **F202**
1984 NI 2

F203 S. 111(4) substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(25)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F204 Words in s. 111(5) substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(26)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

LICENCES FOR THE SALE OF SALMON, TROUT AND EELS

113 Prohibition of sale, etc., of salmon, trout and eels without licence.

(1) Subject to subsection (3), no person shall sell, or offer or expose for sale, or have in his possession for sale at any place or from or in any vehicle, salmon, trout or eels unless he is the holder of a licence for the time being in force (in this Part referred to as a "dealer's licence") authorising him to sell salmon, trout or eels at that place, or, as the case may be, from that vehicle.

(2) Any person who, not being the holder of a dealer's licence, sells, offers or exposes for sale, or has in his possession for sale salmon, trout or eels, or being the holder of such a licence sells, offers or exposes for sale, or has in his possession for sale salmon, trout or eels at a place or, as the case may be, from or in a vehicle, other than that specified in the licence, shall be guilty of an offence under this Part.

(3) This section shall not apply to—

(a) **[**F208the Department**]**; or

(b) a fisherman selling only fish of his own lawful capture; or

(c) the holder of an ~~fish~~ aquaculture licence under section 11, in relation to any fish ~~reared in the fish farm~~ resulting from the aquaculture with respect to which the licence is in force; or

(d) a person who has possession of fish for use for catering purposes in premises in which he carries on the business of a hotel, restaurant or guest house or of providing board and lodging or meals for reward, or who sells fish or offers or exposes fish for sale as or as part of a meal in the ordinary course of such a business[F209; or

(e) a person selling a fish in pursuance of section 181(2) or of a direction given by the Ministry under section 198(1)].

F208 S. 113(3)(a): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F209 1968 c.31 (NI)

114 Grant of licence.

~~(1) Where a person who is not for the time being disqualified under section 200 for holding a dealer's licence makes application in writing to [F210the Department] in the form prescribed by [F210the Department] and forwards therewith~~ (1) The Department may, if it considers it appropriate to do so, grant a person a dealer's licence on an application made by the person in accordance with subsection (1A).

~~a certificate signed by a justice of the peace that that person is a fit and proper person to receive a licence; and~~ (1A) An application for a dealer's licence must be—

(a) in writing,

(b) in the form prescribed by regulations, and

(c) accompanied by a fee of an amount prescribed by regulations.

~~(a) a fee[F211 of such amount] as may be prescribed by [F212regulations]; [F210the Department] may grant a dealer's licence to that person.~~

(1B) The Department may not grant a licence under this section to a person who is for the time being disqualified under section 200 for holding a dealer's licence.".

(2) A dealer's licence shall (unless previously terminated) continue in force until 31st December of the year in which it is granted and shall then expire.

F210 S. 114(1): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)** **F211** 1991 NI 13

F212 S. 114(1)(b): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

115 Renewal of licence.

(1) Where the holder of a dealer's licence applies within the time before its expiration prescribed by [F213the Department] , or where a person who was the holder of a dealer's licence and is not for the time being disqualified under section 200 for holding such a

licence applies within the time so prescribed after its expiration, and the application—
(a) is made in writing in the prescribed form; and
(b) is accompanied by a fee[F214 of such amount] as may be prescribed by [F215regulations];

[F213the Department] may, if it considers it appropriate to do so, renew that licence.

(2) Every dealer's licence renewed under this section shall (unless previously terminated) continue in force until the expiration of the calendar year for which the licence is renewed, and shall then expire.

F213 S. 115(1): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)** **F214** 1991 NI 13

F215 S. 115(1)(b): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

OTHER PROVISIONS

123 Penalties for offences under Part VII.

Any person guilty of an offence under any provision of this Part (other than [F227 section 110(6)]) shall be liable— F228

(a) on summary conviction to a fine not exceeding ~~£500~~£50,000 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment;
(b) ~~(except for an offence under section 120 or 122)~~ on conviction on indictment to[F229 an unlimited fine] or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.]

F227 1981 NI 7 **F228** 1981 NI 7

F229 1984 NI 3

PART VIII

SEA-FISHERIES

REGULATIONS

[F231124Sea-fishing regulations.

(1) The Department may make such regulations as appear to it to be expedient for the management, conservation, protection, improvement or increase of sea-fisheries**[**F232 in Northern Ireland inshore waters or**]** in**[**F233 the Northern Ireland zone**]**.

[F234(1A) In the application of this section to the Londonderry Area and the Newry Area, the reference in subsection (1) to sea-fisheries does not include a reference to tope, sea bass, mussel or oyster fisheries.**]**

(2) Without prejudice to subsection (1), regulations may be made for the following purposes—

(a) the registry of sea-fishing boats;

(b) the regulation of fishing and the preservation of good order among persons engaged therein;

(c) prohibiting, either absolutely or in the absence of compliance with conditions specified in the regulations, the taking of sea-fish of any description at any time or season or of sea-fish in any condition, and the having on board a seafishing boat of any such fish, and specifying conditions on which fish taken in contravention of the regulations may be retained (and the taking and having of them therefore excused);

(d) prohibiting in any area specified in the regulations, either without limitation of time or for any period so specified,—

(i) all fishing for sea-fish;

(ii) fishing for sea-fish of any description;

(iii) fishing for sea-fish, or sea-fish of any description, by any method so specified,

by any sea-fishing boat or by a sea-fishing boat of any description;

[F232(dd) prohibiting in any area specified in the regulations, either without limitation of time or for any period so specified,—

(i) fishing from or by means of any vehicle or any vehicle of a specified description;

(ii) fishing by means of a specified description of equipment;**]**

(e) fixing the times, seasons and places in which fishing engines or gear of any description may not be on board a sea-fishing boat or used;

(f) prohibiting the possession or use of fishing engines or gear of any description or the use of such engines or gear otherwise than in the manner prescribed by the regulations;

(g) prohibiting any practice whatsoever tending to impede the lawful capture of sea-fish or to be in any manner detrimental to the fisheries.

[F232(2A) The power to make regulations under this section may be exercised for—

(a) the conservation or enhancement of the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features) or of any features of archaeological or historic interest in those areas; or

(b) the conservation of flora or fauna which are dependent on, or associated with, a marine or coastal environment.**]**

(3) ~~(3)~~ If any person contravenes a regulation made under this section he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding £1,000~~; and if in the case of any sea-fishing boat there is a contravention of such a regulation, the master, and the charterer, if any, of the boat, or, if there is no charterer, the owner ~~shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000~~.]

(3A) A person guilty of an offence under subsection (3) is liable—
(a) on summary conviction, to a fine not exceeding £50,000;
(b) on conviction on indictment, to a fine.

[F232(4) Where—

(a) a person commits an offence under subsection (3); and

(b) a vehicle or equipment is used in the commission of the offence, then, in addition to that person, any person who caused or permitted the commission of the offence is guilty of an offence.

(5) For the purposes of this section—

(a) "Northern Ireland inshore waters" means the area adjacent to the coast of Northern Ireland and to the landward of a limit of 6 miles from the baseline from which the breadth of the territorial sea is measured, up to the mean highwater mark of ordinary spring tides; and

(b) "sea-fisheries" includes any fishery within that area.**]**

F231 1981 NI 7
F232 2001 c. 4 (NI) **F233**
SI 2002/790
F234 S. 124(1A) 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. 2(10)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

S.125 rep. by 1981 NI 7

[F235**126Landing etc., fish caught in contravention of regulations.**

(1) If any person brings to land, lands or sells or offers or exposes for sale or has in his possession for the purpose of sale any fish caught in contravention of any regulation made under section 124, he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding £1,000~~.]

(2) A person guilty of an offence under subsection (1) is liable—
(a) on summary conviction, to a fine not exceeding £50,000;
~~(a)~~(b) on conviction on indictment, to a fine.

F235 1981 NI 7

F236

127 Minimum sizes of sea-fish.

(1) Subject to subsections (5) and (6), no person shall [F237 bring to land], land, sell or offer or expose for sale, or have in his possession for the purpose of sale, any sea-fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea-fish of that description by an order of the Ministry made subject to negative resolution, and orders under this subsection may prescribe a different size in relation to landing from that prescribed for other purposes.

F237 (1A) Where an order is made under subsection (1) in relation to lobsters that subsection shall have effect as if the words "for the purpose of sale" were omitted; but that subsection as so modified shall not apply to the possession of lobsters purchased by retail in a shop.]

(2) Subject to any exemption granted under subsection (7), no person shall have in his possession for the purpose of processing or otherwise using in the course of any business any fish to which subsection (1) applies.

(3) Where an order under subsection (1) prescribes a size for fish of any description (whether in relation to landing only or for all the purposes of the subsection), then, except in so far as provision is made to the contrary by such an order, a person who lands a part of a fish of that description shall be deemed to contravene that subsection if the part is of a smaller size than the size so prescribed.

F237

(3A) An order under subsection (1) may confer exemptions from any prohibition imposed by this section.]

Subs.(4)(5) rep. by 1981 NI 7

(6) Where an order under [F238 section 1(1) of the Sea Fish (Conservation) Act 1967] (which …F239 prohibits the landing in Great Britain and disposal there of sea-fish of less than the prescribed size …F239) is for the time being in force with respect to fish of any description, then, in relation to fish of that description,—

(a) no order shall be made under subsection (1) for purposes corresponding to those of the first-mentioned order prescribing any lesser size than the size prescribed by the first-mentioned order; … F239

Para.(b) rep. by 1981 NI 7 F239

….

(7) Where it appears to an officer authorised in that behalf by the Ministry that any fish which have been caught are fish to which subsection (1) applies, the officer may grant in writing to any person such exemption from subsection (2) as the officer considers requisite to enable the fish to be disposed of.

(8) If any person contravenes this section, that person shall be guilty of an offence, …F239.

(9) ~~Any person, …F239who is guilty of an offence under subsection (8) shall be liable on summary conviction [F240to a fine not exceeding £1,000.]~~ Any person who is guilty of an offence under subsection (8) is liable—

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.

~~(9)~~(10) Any officer of a market authority acting within the limits of a market which that authority has power to regulate, may seize any sea-fish which are landed, sold or offered or exposed for sale by any person in contravention of this section or which any

person has in his possession in contravention of this section and for the purposes of this subsection may exercise any power conferred on an authorised officer by section 178.

~~(10)~~(11) In this section "sea-fish" includes fish which has been cured, frozen or otherwise preserved, and "market authority" means any authority or person having power to regulate a market.

F236 mod. by SR 2000/20
F237 1981 NI 7
F238 1981 NI 7
F239 1981 NI 7
F240 1981 NI 7

Modifications etc. (not altering text)
C2 S. 127(1) excluded (31.12.2020) by S.R. 2000/200, art. 4 (as substituted by Fisheries Act 2020 (c. 22), s. 54(3)(a), **Sch. 2 para. 33(3)** (with s. 50, Sch. 4 para. 31))

128 Use of beaches, etc., by fishermen for purposes of sea-fishing.

(1) Any fisherman or any person employed by a fisherman may—

(a) enter upon all such beaches, strands and waste lands on or adjoining the seashore or any estuary as may be necessary for the purpose of sea-fishing; and

(b) draw up and spread nets and land fish upon any such beach, strand or waste land.

(2) If any person resists or forcibly obstructs any other person exercising any right conferred by subsection (1), the first-mentioned person shall be guilty of an offence.

(2A) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding £20,000.

~~(2)~~(3) Subsection (1) shall not be construed as authorising the erection of any fixtures or fixed nets on any beach, strand or waste land.

129 Use by fishermen of land adjoining fishing places.

(1) Any fisherman engaged in sea-fishing, and any person watching on behalf of, directing, guiding, assisting or helping to attend to the nets of any such fisherman may, subject to subsection (2), enter any land in the vicinity of any fishing place for the purpose of watching for or of drawing or carrying ashore fish, or for the purposes of directing and guiding any fisherman engaged or about to engage in fishing.

(2) Subsection (1) shall not authorise any person to enter an enclosed garden or any cultivated land bearing a growing crop.

(3) If any person resists or forcibly obstructs any other person exercising any right conferred by subsection (1) the first-mentioned person shall be guilty of an offence.

~~(3)~~(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding £20,000.

S.130 rep. by 1981 NI 7

[F241PART IX

SHELL-FISH FISHERY LICENCES

F241 1981 NI 7

131 Power of Department to grant shell-fish fishery licence.

(1) Where the Department grants to any person an ~~fish~~ aquaculture licence under section 11 authorising the operation of an ~~fish~~ aquaculture farm which includes the breeding, rearing, growing or cultivating ~~for the culture~~ of shell-fish of any kind at a place or within any area specified in the licence, the Department may, in accordance with the provisions of this Part, grant to that person a further licence (a "shell-fish fishery licence") conferring on him the exclusive right of cultivating shell-fish of that kind within any area specified in the shell-fish fishery licence ("the licensed area") which is at that place.

(2) Subject to subsections (3) and (4), the licensed area may include any part of the foreshore or any part of the bed of the sea or an estuary.

(3) A shell-fish fishery licence shall not specify any area in which the Department is satisfied the public exercise a substantially profitable fishing for shell-fish.

(4) A shell-fish fishery licence shall not specify any area—

(a) which forms part of the foreshore or the bed of the sea or an estuary, unless the licence is granted with the consent of the Secretary of State;

(b) which forms part of the Crown Estate or is subject to rights exercisable by the Crown in right of the Crown Estate, unless the licence is granted with the consent of the Crown Estate Commissioners;

(c) which forms either part of the foreshore or part of the bed of the sea or an estuary owned or lawfully occupied by a person other than the Crown, unless the licence is granted to, or with the consent of, the owner or occupier of that part of the foreshore or that part of the bed of the sea or the estuary;

(d) which is within the limits of a several fishery, unless the licence is granted to, or with the consent of, the owner or occupier of that fishery.

(5) In subsection (4) "consent" means consent in writing.

137 Suspension or revocation of shell-fish fishery licence.

(1) Without prejudice to subsection (2), a shell-fish fishery licence may be suspended or revoked in accordance with the provisions of Schedule 1; and in the application of those provisions for the purposes of this section "licence" shall mean a shell-fish fishery licence.

(2) Notwithstanding that there has not been, in relation to a shell-fish fishery licence, any contravention such as is mentioned in paragraph 1 of Schedule 1, the Department may suspend or revoke such a licence when it suspends or, as the case may be, revokes an ~~fish~~ aquaculture licence held by the licensee in respect of any place at which the area specified in the shell-fish fishery licence is situated; but, where the revocation of the ~~fish~~ aquaculture licence is annulled by the county court on an appeal under paragraph 6 of Schedule 1, the shell-fish fishery licence shall be revived.

(3) Upon the revocation of a shell-fish fishery licence, all rights conferred by the licence shall absolutely determine, but they shall revive if the licence is revived under subsection (2).

(4) When a shell-fish fishery licence is revoked the Department shall—

(a) cause notice of the revocation to be published in the Belfast Gazette; and

(b) notify the revocation to the Secretary of State, and also to the Crown Estate Commissioners where the licence was granted with their consent.]

Ss. 138#159.*The substituted Part IX comprises sections 131#137 only*

[F245[F246PART IXA

MARINE FISH FISHERY LICENCES

F245 1991 NI 13
F246 1991 NI 13

137A Marine fish fishery licences.

(1) Where the Department grants to any person an ~~fish~~ aquaculture licence under section 11 authorising the operation of an ~~fish~~ aquaculture farm which includes the breeding, rearing, growing or cultivating ~~for the culture~~ of any species of marine fish at a place or within any area specified in the licence, the Department may, in accordance with this section, grant to that person a further licence (a "marine fish fishery licence") conferring on him the exclusive right of cultivating marine fish of that species within any area specified in the marine fish fishery licence ("the licensed area") which is at that place.

(2) Sections 131 to 137 shall apply to marine fish fishery licences subject to the following modifications—

(a) subject to paragraphs (b) to (d)—

(i) any reference to a shell-fish fishery licence shall be construed as a reference to a marine fish fishery licence;

(ii) any reference to shell-fish shall be construed as a reference to marine fish of the species specified in the licence;

(b) in section 131—

(i) subsection (1) shall be omitted, and

(ii) in subsection (3) for the words "fishing for shell-fish" there shall be substituted the words "fishing for marine fish of any kind or for shellfish";

(c) in section 135—

(i) in subsection (2) for the words "depositing, propagating, dredging" there shall be substituted the words "introducing, propagating, harvesting", and

(ii) in paragraph (b) of that subsection for the word "deposit" there shall be substituted the word "introduce"; and

(d) in section 136(1), for paragraph (a) there shall be substituted the following paragraph—

"(a) uses any implement to catch fish of any kind; or"

(3) In this section "marine fish" means fish of any kind found in the sea, but does not include shell-fish.**]]**

PART XI

AUTHORISED PERSONS

DEFINITIONS

170 Appointment, etc., of private water bailiffs.

(1) Any of the following persons, namely,

(a) any person who by virtue of any fishing rights in any lake or river has an interest in the preservation of the fish therein; or

(b) any persons who have united themselves into a society for the preservation of any fishery in any lake or river; or

(c) the owner of any salmon fishery on the sea coast [F260; or

(d) the licensee under a shell-fish fishery licence; or

(e) any licensees under such licences who have united themselves into a society for the protection of their shell-fish fisheries;]

may by instrument in writing in the form set out in Schedule 5 appoint any person (other than a person disqualified under subsection (7)) to be a private water bailiff for the protection of the fisheries in any such lake or river or the tributaries thereof, or on such part of the sea coast [F260 or for the protection of that shell-fish fishery or those shell-fish fisheries.]

(2) A person appointed to be a private water bailiff shall not act in that capacity until his appointment is confirmed by a court of summary jurisdiction F261....

(3) A person making application under subsection (2) for confirmation of the appointment of a person as a private water bailiff shall, not less than fourteen days before the date of the hearing of the application, give notice in writing of the application to F262. . . F262 F263 F262 F260

[. . . the Department, and . . . **]** [the Department] shall be entitled to appear before the court, be heard and adduce evidence on the hearing of the application, and may do so by [F264 one of its officers] or by solicitor or counsel.

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

(5) Where a court of summary jurisdiction has confirmed the appointment of a person to act as a private water bailiff **[**F265a court of summary jurisdiction**]** upon complaint made to it, may revoke the appointment, and thereupon the appointment shall be terminated.

[F263(5A) Where a person who has appointed a private water bailiff revokes that appointment, that person shall, within 14 days of the revocation, serve written notice thereof on the clerk of petty sessions F266....**]**

[F263(6) Where—

(a) the appointment of a person as a private water bailiff 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 (5A),

the clerk of the court shall notify the Department [F267]. . . of such confirmation or revocation or, as the case may be, such notice, as soon as practicable.**]**

(7) [F268]. . . . . .

[[F263](7A) Any person or society mentioned in paragraphs (a) to (e) of subsection (1) who employs any person to act as a private water bailiff shall, before 31st January in each year, make to **[**[F269]the Department**]** a return in such form and containing such information as may be prescribed by **[**[F270]regulations**]** .

(7B) **[**[F269]The Department**]** shall maintain a register of the names and addresses of those who are entitled to act as private water bailiffs.

(7C) [F271]. . . . . .**]**

(8) If any person—

(a) acts as a private water bailiff 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;**[**[F263] or**]**

[[F263](c) fails to serve written notice under subsection (5A) within the time specified in that subsection; or

(d) fails to make a return to **[**[F269]the Department**]** under subsection (7A) by the date specified in that subsection;**]**

he shall be guilty of an offence [[F272] and shall be liable on summary conviction to a fine not exceeding ~~£200~~ £5000].

(9) The powers conferred by this Part on a private water bailiff shall be exercisable only for the protection of the fishery specified in his instrument of appointment.

F260 1981 NI 7

F261 Words in s. 170(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 58(1)(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F262 Words in s. 170(3) 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(30), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F263 1991 NI 13

F264 1981 NI 7

F265 Words in s. 170(5) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 58(1)(b)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F266 Words in s. 170(5A) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 58(1)(c), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3) **F267** Words in s. 170(6) 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(31)(a), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F268 S. 170(7) 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(31)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F269 S. 170(7A)(7B)(8)(d): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F270 S. 170(7A): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F271 S. 170(7C) 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(31)(b), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F272 1981 NI 7

POWERS

174 Boarding and examination of fishing boats.

(1) Any authorised person to whom this section applies may do, with respect to any boat [F280 which is or has been] employed in fishing, all or any of the following things—

(a) board the boat;

F280

(aa) require the attendance of the master and of any other persons who are or have been on board the boat and require all such persons to do anything which appears to him to be necessary for facilitating the performance of his functions;]

(b) examine the certificate of registration or other official papers and the fishing engines of the boat [F280 (including any fishing gear appurtenant to or used in association with any such engine)], and ascertain whether the provisions of this Act or any instrument made thereunder have been complied with and whether the master and other persons [F281 are or have been carrying on fishing in contravention of any statutory provision];

(c) seize any unlawful fishing engine or any lawful fishing engine [F280 which is being, or is reasonably suspected of having been,] unlawfully used and any fishing gear appurtenant to or used in association with any such engine.

[F282(1A) Any authorised person to whom this section applies may, for the purpose of enforcing regulations made under section 124, do all or any of the following things with respect to any vehicle or equipment which is or has been employed in fishing—

(a) enter in or on the vehicle or equipment;

(b) require the attendance of the person in charge of, and any other persons in or on or using, the vehicle or equipment and require all such persons to do anything which appears to him to be necessary for facilitating the performance of his functions;

(c) in relation to any vehicle, examine—

(i) any fish in or on the vehicle;

(ii) any apparatus on the vehicle, including any fishing engine and any fishing gear used in association with any such engine;

(iii) any document relating to the vehicle;

(d) in relation to any equipment, examine that equipment and any fish in or on the equipment;

(e) seize—

(i) any vehicle or equipment which is being, or is reasonably suspected of having been, used in the commission of an offence under any regulation made under section 124;

(ii) any fish in respect of which an offence is being, or is reasonably suspected of having been, committed under any regulation made under section 124.**]**

(2) If the master of a fishing boat refuses to produce the certificate of registration or other papers of the boat when required to do so by any person acting under subsection (1), [F281 or if he or any other person who is or has been on board the boat refuses without reasonable excuse to attend upon the authorised person or to do anything which the authorised person requires him to do for facilitating the performance of his functions, he or, as the case may be, that other person] shall be guilty of an offence [F283 and shall be liable on summary conviction to a fine not exceeding ~~£1,000~~£20,000].

(3) This section applies to the following authorised persons, that is to say—

(a) a member of the Royal Ulster Constabulary;

(b) an officer appointed by the Ministry;

(c) a person to whom section 166(2) applies.

(4) In this section "certificate of registration" includes any certificate issued under section [F281 124(2)(*a*)], and any certificate issued with respect to a boat registered under**[**F284 the**[**F285 Part II of the Merchant Shipping Act 1995**]]**.

F280 1981 NI 7
F281 1981 NI 7
F282 2001 c. 4 (NI)
F283 1981 NI 7
F284 1993 c. 22
F285 1995 c. 21

178 Powers of inspection, examination and detention.

F293

(1) Every person (in this section referred to as an "authorised officer") being an officer of the Ministry authorised by the Ministry to exercise the powers conferred by this section, or a member of the Royal Ulster Constabulary F294. . . , is hereby authorised to do all or any of the following things—

(a) to stop and search any person, conveying or suspected of conveying fish of any kind, or any instrument, poison, explosive or thing used or adapted for taking fish unlawfully and to [F295 examine] any fish, instrument or substance which that person is found to be conveying, and for that purpose to open and search

any vehicle or package in which any fish, instrument or substance is or is suspected of being conveyed;

(b) at all reasonable times to enter upon and have free access to the interior of**[**F296 and, where he suspects that an offence under any provision of the Act is being, or has been, committed, to carry out a search of**]**

(i) any premises in which fish is or is believed to be sold, or kept or exposed for sale or stored; or

(ii) any premises in which any instrument or substance intended for the destruction of fish is or is believed to be kept; or

(iii) the premises of any person engaged in the business of carrying goods for reward; or

(iv) any aerodrome, pier, quay, wharf, jetty or dock or premises thereon; or

(v) any aircraft, boat, railway wagon, motor lorry, cart, or other vessel or vehicle of whatever kind used for the conveyance of goods; or

(vi) any hotel, guest house, restaurant or other premises or place at which board and lodging or meals are provided for reward;

(c) to examine all fish found in any place which he is authorised by this section to enter, and for that purpose to open any package found in such place and containing or suspected of containing fish;

(d) to stop, enter, and search, on any waters, or the banks thereof, any boat used or suspected of being used for fishing or containing or suspected of containing fish unlawfully captured, and to examine all fish and all fishing engines or fishing gear found therein, and for that purpose to open any package which contains or is suspected of containing any fish or fishing engine or fishing gear;

(e) to take, remove, and detain in his custody any fish (either together with or without any package in which the same may be contained) found in the course of the exercise of any of the powers conferred by this section in respect of which an offence under this Act is being or is suspected of being committed, or which have been or are suspected of having been unlawfully captured [F297 or which are, or are believed to be, liable to forfeiture under this Act];

(f) to take, remove, and detain in his custody any fishing engine, boat, vehicle or thing liable or believed to be liable to forfeiture under this Act;

(g) to demand and take the name and address of the person having custody of any fish or other article which the authorised officer is authorised under this section to examine**[**F296, to demand the age of such a person who is apparently under the age of 18**]**, and also to demand and take from such person the name and address of the owner of such fish or other article.

[F296(h) to demand and take the name and address of any person who is fishing or whom he suspects to be about to fish or to have fished within the preceding half hour and to demand the age of such a person who is apparently under the age of 18.**]**

(2) Where an authorised officer detains in his custody under the authority of this section any particular thing, he shall as soon as conveniently may be take such steps as may be proper to have the person guilty, or suspected to be guilty, of the offence committed or suspected to have been committed in relation to that thing dealt with according to law.

(3) A person who refuses or fails to give his own name and address**[**F296 to the satisfaction of the authorised officer**]** or the name and address (so far as known to him) of any other person, when lawfully demanded under this section, shall be guilty of an offence [F298 and shall be liable on summary conviction—

(a) except in a case such as is mentioned in paragraph (*b*), to a fine not exceeding ~~£1,000~~£20,000;

(b) where the person charged with the offence satisfies the court that any fish in connection with which the offence was committed were sea-fish taken only by rod and line or that any other article in connection with which the offence was committed was used, or (having regard to the circumstances of the offence) was capable of being used, only in connection with fishing for sea-fish by rod and line, to a fine not exceeding ~~£200~~£5000].

(4) This section shall not authorise entry into any premises which are used exclusively as a private dwelling.

(5) In this section "believed" and "suspected" mean respectively believed on reasonable grounds and suspected on reasonable grounds.

F293 Mod., 1967 c.7 (NI)

F294 Words in s. 178(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(33), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F295 1968 c.31 (NI) **F296** 1991 NI 13

F297 1968 c.31 (NI)

F298 1981 NI 7

179 Persons using, etc., fishing engines to produce fishing licence therefor on demand.

(1) If any person using [F299 at any place] a fishing engine for which a licence is required under this Act, or having such a fishing engine erected or in fishing order …F300 in his possession in or near any fishing place …F300 fails on demand to produce to an authorised person a fishing licence [F301 by or by virtue of which he is authorised to use that fishing engine at that place], he shall be guilty of an offence.

(2) Where a person is charged with an offence under this section consisting of a failure to produce a fishing licence for a fishing engine to which subsection (1) applies, being a fishing engine in his possession, it shall be a good defence to prove that he had the fishing engine in his possession as a manufacturer or seller thereof and not for the purpose of using it.

(3) A person shall not be charged with an offence under this section consisting of a failure to produce a fishing licence for a fishing engine in any of the circumstances referred to in subsection (1) if upon demand being made by an authorised person for the production of a fishing licence under that subsection, the first-mentioned person—

(a) then and there gives to the authorised person his name and address and any evidence of his identity then available and also gives a reasonable explanation of his failure to produce the fishing licence at that time; and

(b) **[**F302within five days**]** thereafter, and in accordance with any reasonable requirement then communicated to him by the authorised person, produces to the authorised person or to any other person designated by him—

(i) a **[**F303fishing licence**]** authorising the first-mentioned person to use the fishing engine at that place and time [F299 or, if the fishing engine is a rod and line which he was using to fish for fish of any kind, and by reason of his age he was at that time exempted by **[**F304regulations**]** made under section 37(*f*) from the requirement to hold a fishing licence for a rod and line to fish for fish of that kind, evidence of his age]; and

(ii) evidence of the identity of the first-mentioned person.

F299 (4) A person who is guilty of an offence under subsection (1) by reason of a contravention of that subsection which consists only of the use or possession of a rod and line shall be liable on summary conviction to a fine not exceeding [F305 ~~£200~~£5000.]]

[F306(5) In this section "fishing licence" means a fishing licence issued under Part III or a fishing licence issued by the Foyle, Carlingford and Irish Lights Commission under regulations made by the Commission under the Foyle Fisheries Act (Northern Ireland) 1952.**]**

F299 1968 c.31 (NI)
F300 1968 c.31 (NI)
F301 1968 c.31 (NI)
F302 1991 NI 13
F303 Words in s. 179(3)(b)(i) substituted (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. 2(11)(a)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.
F304 S. 179: word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(c)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**
F305 1981 NI 7
F306 S. 179(5) added (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. 2(11)(b)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

PROTECTION OF AUTHORISED PERSONS

182 Penalty for assaulting authorised person.

F315

(1) If any person assaults—

(a) any person exercising any power conferred by this Part; or

(b) any officer of the Ministry F316. . . whilst doing any thing authorised by any of the provisions of this Act specified in Schedule 6; or

(c) any authorised officer acting under section 112 or 120, or any officer acting under section 17 or 127;

he shall be guilty of an offence ~~and shall be liable on summary conviction to a fine not exceeding [F317 £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment~~.

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months, or both;

~~(a)~~(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years, or both.

F315 Mod., 1967 c.7 (NI)
F316 Words in s. 182(b) 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(36), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**
F317 1981 NI 7

183 Obstructing or impeding authorised person.

F318

(1) If any person obstructs or impedes—

(a) any person exercising any power conferred by this Part; or

(b) any officer of the Ministry [F319]. . . whilst doing anything authorised by any of the provisions of this Act specified in Schedule 6; or

(c) any authorised officer acting under section 112 or 120, or any officer acting under section 17 or 127;

he shall be guilty of an offence.

(1A) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment, to a fine.

[F320

(2) For the purposes of this section a person who without reasonable excuse fails to afford to an officer the facilities required by section 20(4) or fails to comply with any requirement of an authorised person under section 174(1)(*aa*)**[**[F321] or (1A)(b)**]** or section 175 shall be deemed to obstruct him.]

F318 Mod., 1967 c.7 (NI)

F319 Words in s. 183(1)(b) 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(37), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F320 1981 NI 7

F321 2001 c. 4 (NI)

PART XII

PENALTIES

201 Penalties for offences.

(1 [F364] A person who commits an offence under any provision of this Act for which a penalty is not provided by any provision of this Act other than this section shall be liable on summary conviction to a fine not exceeding [[F365] ~~£500~~£10,000].

(2) [F366]. . . the Ministry may prescribe lower penalties for breach of a particular regulation, than the penalty provided under subsection (1), and that subsection shall, in any such case, be construed as if such lower penalties were substituted for that so provided.

F364 Mod., 1967 c.7 (NI)

F365 1981 NI 7

F366 Words in s. 201(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(42), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

202 Continuing offences.

(1) Where a person is convicted of an offence under any provision of this Act and the contravention in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and, ~~subject to subsections (3) and (4),~~ shall be liable on summary conviction, in addition to any other penalty, to a fine not exceeding [[F367] ~~£50~~£500] for each day on which the contravention is so continued.

(2) An offence under this section shall be a continuing offence and accordingly fresh proceedings in respect thereof may be taken from time to time.

~~In the application of this section in relation to an offence under section 73 [[F368] 74 or 79], subsection (1) shall have effect as if for the [[F368] word "50"] there were substituted the [[F368] word " 200 "].~~

Subs.(4) rep. by 1981 NI 7

F367 1981 NI 7

F368 1981 NI 7

INTERPRETATION

206 Interpretation.

F380

(1) In this Act—

"angling for salmon or trout" means angling for salmon or trout with rod and line;

"annual close season for angling for salmon" has the meaning given to it by section 95(1);

"annual close season for angling for trout" has the meaning given to it by section 95(2);

"annual close season for eels" has the meaning given to it by section 107;

"annual close season for pollen" has the meaning given to it by section 105;
"annual close season for salmon and trout" has the meaning given to it by section 89;
[[F381]"the Appeals Commission" has the meaning given in section 11A(3);**]**
"aquaculture farm" has the meaning given to it by section 11(6);
"aquaculture licence" means a licence granted under section 11;
"authorised person", for the purposes of Part XI, has the meaning given to it by section 166;
"bag net" includes any net of similar construction to a bag net;
"bank" includes the sea-shore and any land adjacent thereto; F382

. . . . . .

"boat" includes any ship, barge, cot, curragh or vessel;
"box", in relation to a fishing weir, includes a crib or cruive;
[F383 "bring to land" in relation to fish includes bringing the fish within the limits of a harbour;]
[F384 "brown eels" means eels other than silver eels;] F382

. . . . . .

Definitions rep. by 1981 NI 7
"dam" means a dam, weir, dyke, sluice, embankment or structure built or placed in or in connection with any river for or in connection with the sustaining of water for any purpose [F384 but does not include an embankment erected solely to prevent erosion of the banks of the river or to protect adjacent lands from flooding];
"daytime" means the period between sunrise and sunset;
"dealer's licence" has the meaning given to it by section 113(1);
"deleterious matter" means any substance (including an explosive and an anaesthetic) the entry or discharge of which into any waters is liable to render those or any other waters poisonous or injurious to fish, spawning grounds or the food of any fish, or to injure fish in their value as human food or to impair the usefulness of the bed and soil of any waters as spawning grounds or their capacity to produce the food of fish;
"district board" means any of the boards of conservators referred to in section 34(2);
"draft net" includes a seine;
"eels" means fresh water eels;
"eel weir" means a fishing weir used solely for taking eels;
"estuary" includes a harbour or roadstead; F382

. . . . . .

"fish" includes shell-fish;
[F383 "fish farm" shall be construed in accordance with section 10;]
"fish pass" means a channel for the free run or migration of fish in, over or in connection with an obstruction in a river, lake or watercourse and includes a fish ladder or any other contrivance which facilitates the passage of fish;
"fisheries" includes all fisheries, whether several or public;
"the Fisheries Acts" means the Fisheries Acts (Northern Ireland) 1842 to 1954;
"fishing engine" means any engine, net, instrument or device whatsoever capable of being used for taking or killing fish;
"fishing licence" means a fishing licence **[**[F385], except in sections 41, 45 and 179,**]** issued by **[**[F386]the Department**]** under Part III;
"fishing weir" means any erection, structure or obstruction fixed to the soil across or partly across a river and incorporating one or more openings wherein fish may

be taken which is used for the purpose of taking, or facilitating the taking of, fish; but does not include a fixed engine; "fixed engine" means—

(a) any stake, bag, stop and still or fixed draft net; or

(b) any net, implement, engine or device fixed to the soil or secured by anchors or held by hand or made stationary in any other way and used solely for the purpose of taking or facilitating the taking of fish, not being a fishing weir, or a rod and line (however used)**[**F381 or a handline**]**; "the Foyle Fisheries Acts" means the Foyle Fisheries Acts (Northern Ireland) 1952 and 1962;

"free gap" means a free gap in a fishing weir;

"freshwater fish" means any fish living in fresh water exclusive of fish of a kind that migrates to or from tidal waters;

Definitions rep. by 1968 c.31 (NI); 1981 NI 7

"heck" means a grating mounted at the upstream end of a box in a fishing weir and so constructed as to prevent the passage of fish without obstructing the flow of water;

"inquiry" means an inquiry conducted under section 20;

"inland fishery" means any fishery of whatsoever kind, other than a salmon fishery, in inland waters;

"inland waters" means the waters of any river above the boundary between the tidal and freshwater portions thereof, and the waters of any freshwater lake;

"inscales" means a pair of gratings mounted at the downstream end of a box in a fishing weir and converging towards the centre in the upstream direction to form between the upstream ends a vertical gap, the effect of the arrangement being to permit the passage of fish into the box and hinder their escape therefrom;

"instrument" and "statutory instrument", when used in relation to an instrument in writing, have the same meaning as in section 1 of the Interpretation Act (Northern Ireland) 1954 , and a reference to an instrument, or to an instrument of any kind, made under this Act includes a reference to an instrument deemed to be made under this Act;

"lawful fishing engine" means any fishing engine the use of which (except during particular times, in particular places, or in a particular manner) is not prohibited by or under this Act;

"licensee", in relation to [F387 a shell-fish fishery licence] means the person for the time being entitled to that licence;

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

"the Ministry" means the Ministry of Agriculture;

"the Minister" means the Minister of Agriculture;

"net" includes all descriptions of tackle, trawl, trammel, stake, bag, coghill, fyke, eel, haul, draft and seine nets, and all other engines or devices, of whatsoever construction or materials, or howsoever known or styled, which are used for the taking of fish;

[F388"Northern Ireland zone" has the same meaning as in the Northern Ireland Act 1998;**]**

[F389"the Newry Area" has the meaning given to it by section 2(1) of the Foyle Fisheries (Northern Ireland) Act 1952;**]**

"open fishing season" in relation to fish of any kind means any season that is not the annual close season for such fish;

"owner", in relation to land, has the same meaning as in section 2 of the Public Health (Ireland) Act 1878;

Definitions rep. by 1981 NI 7

[F384 "package" includes any tank or other container;]

"private water bailiff" means a water bailiff appointed under section …[F390] 170;
"regulations" means regulations made by the Ministry;
"river" includes a tributary or a branch of a river and any stream or watercourse;
"rod and line" means a fishing engine consisting of a single rod and line;
"salmon" includes all fish of the salmon kind and sea trout;
"salmon fishery" includes any salmon fishery, whether in fresh water, any estuary or the sea;
"salmon river" means any river that is frequented by salmon;
Definition rep. by 1968 c.31 (NI)
"salmon weir" means a fishing weir used for taking salmon;
"sea-fish" means fish of any kind found in the sea, but does not include salmon;
"sea-fishery" includes any fishery, other than a salmon fishery, in the sea or an estuary;
"sea-fishing boat" does not include a boat used for fishing for salmon in the sea;
"several fishery" means any fishery lawfully possessed and enjoyed as such under any title whatsoever, being a good and valid title at law, exclusively of the public by any person or persons whether in navigable waters or in waters not navigable, and whether the soil covered by such waters be vested in such person or persons or in any other person;
"shell-fish" includes all edible aquatic molluscs and crustaceans;
[F383 "shell-fish fishery licence" means a licence granted under section 131 and includes a licence which is deemed to be such a licence by virtue of paragraph 2 of Schedule 3 to the Fisheries Amendment (Northern Ireland) Order 1981 ;]
[F384 "silver eels" means physiologically maturing eels in spawning livery;]
Definition rep. by 1981 NI 7
"stake net" includes a stake weir and any fixed engine of similar construction to a stake net;
"statutory provision" has the same meaning as in section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ;
"substance" includes any liquid or gas;
"trout", when used without any qualification, includes—

(a) all fish of the brown trout kind; and
(b) save in Part III, sections 51 and 71, Part VI (except as provided in section 106), Part VII and Schedule 4, pollen or fresh-water herring;

but does not include sea trout or rainbow trout;
"unseasonable" when used with respect to any fish means a fish which is about to spawn, or which has spawned and has not recovered from spawning;
"waste lands" includes any uncultivated or unoccupied lands;
"waters" includes any river, lake, watercourse or estuary or any part of the sea**[**F388 within the Northern Ireland zone**]**;
Definition rep. by SI 2002/790
"weekly close time" has the meaning assigned to it by section 97.

(2) References in this Act to a fish or to any kind of fish shall be construed as including—

(a) references to part of a fish or to part of a fish of that kind; and
(b) references to the spawn, fry, brood or young of fish or of fish of that kind.

(3) Where an order under section 16 defines the mouth of a river, the mouth of a tributary river, the boundary between the tidal and freshwater portions of a river, the point or points to or from which distances are to be measured …[F391] any areas within which it is prohibited to use or practice certain methods of fishing, [F384 or the boundary at sea between so much of**[**F388 the Northern Ireland zone**]** as is within, and so much thereof

as is without, the Londonderry Area,] such mouth, boundary, point or points, or areas shall for all purposes of and all proceedings under this Act be as so defined for the time being.

(4) References in this Act to the landing of fish shall not include the landing of fish which have previously been landed outside Northern Ireland.

(5) Subject to section 127(11), references in any provision of this Act which relates to the buying, selling, offering or exposing for sale or having possession of fish of any kind to fish of that kind shall not be construed as including references to fish of that kind which have been**[**F381 preserved by drying, smoking, cooking or canning**]**. F384 F390

(5A) References in section 111 … to the buying, selling, offering or exposing for sale or having possession for sale, or possession, of fish of any kind during any particular period shall not be construed as including references to the buying, selling, offering or exposing for sale or having possession for sale, or possession, of fish of that kind which have been lawfully taken or killed outside that period and preserved by freezing.]

(6) Any reference in this Act to an offence under a provision of this Act shall include a reference to an offence under any statutory instrument made by virtue of a provision of this Act.

F380 Mod., 1967 c.7 (NI)

F381 1991 NI 13

F382 S. 206(1): definitions of "the Board", "byelaws" and "financial year" 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(45), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)(e)**

F383 1981 NI 7

F384 1968 c.31 (NI)

F385 Words in s. 206(1) in definition of "fishing licence" 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. 2(13)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

F386 S. 206(1): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 3(1)(a)** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(a)(b)**

F387 1981 NI 7

F388 SI 2002/790 **F389** SI 1999/859

F390 1981 NI 7

F391 1968 c.31 (NI)

213 Short title.

This Act may be cited as the Fisheries Act (Northern Ireland) 1966.

SCHEDULES

SCHEDULE 6

Sections 182, 183.

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

Section	#
[F437	Inspection of ~~fish~~ aquaculture farm or shell-fish fishery.]
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.

F437 1981 NI 7

Changes to legislation:
Fisheries Act (Northern Ireland) 1966 is up to date with all changes known to be in force on or before 09 May 2024. 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.
View outstanding changes

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)

NORTHERN IRELAND ASSEMBLY

Committee for Agriculture, Environment & Rural Affairs

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12 June 2026

Dear Paul

Fisheries, Aquaculture and Water Environment Bill

At its meeting on 11 June 2026, the Committee for Agriculture, Environment and Rural Affairs received a pre-introductory briefing from Officials in respect of the above Bill.

The Committee noted that as the primary objective of the Bill is to modernise and consolidate existing legislation, in light of its experience with the Dilapidation Bill, it would assist the Committee prior to the second stage debate to receive a table clearly setting out:

- all new powers contained within the Bill; and
- all existing powers that have been modernised or updated, including those developed by reference to more recent legislation.

The Committee also requests a further table detailing all offences, including:

- the position prior to the Bill, including the applicable level of penalty;
- the amendments proposed by the Bill, including any changes to penalty levels; and
- any new offences introduced.

Finally, the Committee would welcome clarification and an assessment of how the provisions of the new Bill will operate alongside the Fisheries Act (NI) 1966, particularly in light of the differing policy intent. This should include an overview of how the 1966 Act will be affected once the Bill comes into operation, clearly identifying any amendments to, or impacts on, its existing provisions.

Yours sincerely

Glenda Doherty, Senior Assistant Assembly Clerk

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