



# Foyle Fisheries Act (Northern Ireland) 1952

## 1952 CHAPTER 5

### PART I

#### PRELIMINARY AND GENERAL

**1 Short title.**

This Act may be cited as the Foyle Fisheries Act (Northern Ireland), 1952.

**2 Interpretation.**

(1) In this Act—

*Definition rep. by SI 1999/859*

“authorised person” has the meaning given to it by section fifty-three;

[<sup>F1</sup>“the Commission” means the Foyle, Carlingford and Irish Lights Commission;]

[<sup>F2</sup> “deleterious matter” means any substance (including an explosive) 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;]

“establishment date” means the date appointed by order made under section ten;

<sup>F3</sup>

“the Fisheries Acts” means [<sup>F4</sup> the Fisheries Act (Northern Ireland) 1966 as amended by any subsequent enactment];

*Definitions rep. by SI 1999/859*

“fishing engine” means any engine, net or instrument whatsoever capable of being used for the taking of fish;

*Status: Point in time view as at 01/06/2008.*

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

“fishing licence” means a licence issued by the Commission under regulations made by the Commission under this Act;

“the Foyle Area” has the meaning given to it by section three;

“inquiry” means an inquiry conducted under section eighty;

“the Irish Society” means the body entitled the Society of the Governor and Assistants, London, of the New Plantation of Ulster within the Realm of Ireland;

“the Londonderry Area” means the area which was constituted by the Fishery Districts (Northern Ireland) Order, 1925, as the Londonderry District;

“the Londonderry Board” means the board of conservators for the said Londonderry District;

“the Minister” means the Minister for Agriculture<sup>F5</sup> of the Republic of Ireland;

“the Ministry” means the Ministry of Commerce<sup>F6</sup>;

[<sup>F1</sup>“the Newry Area” means so much of the Carlingford Area as is in Northern Ireland;

“NSMC” has the same meaning as in the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999;]

“prescribed” means prescribed by regulations made by the Commission under this Act;

[<sup>F7</sup>“river” includes a branch of a river and any stream, lake, estuary or watercourse;]

“salmon” includes sea trout, all fish of the salmon species, and the spawn and fry thereof;

[<sup>F8</sup>“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 is vested in such person or persons or in any other person;]

[<sup>F2</sup> “substance” includes any liquid or gas;]

“trout” includes all fish of the brown trout kind and their spawn and fry but does not include sea trout;

*Definition rep. by 1981 NI 7*

[<sup>F9</sup>“waters” includes any river or part of the sea;]

[<sup>F10</sup>(2) In this Act, except in Part VIA, “fish” (when used without any qualification) includes—

- (a) freshwater fish of any kind;
- (b) salmon and other fish or a kind that migrates to and from the sea;
- (c) sea bass and tope;
- (d) eels and elvers;
- (e) mussels;
- (f) oysters;
- (g) the spawn, fry, brood and spat of any kind of fish mentioned in paragraphs (a) to (f);
- (h) any part of any kind of fish mentioned in paragraphs (a) to (g).

(3) In subsection (2)(a), “freshwater fish” means any fish living in fresh water, other than a kind of fish that migrates to and from the sea.

*Status: Point in time view as at 01/06/2008.*

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- (4) In this Act any reference to a river includes a reference to the channel or bed of a river which is for the time being dry.]

*Subs. (3)#(5) rep. by SLR 1976*

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| <b>F1</b>  | SI 1999/859  |
| <b>F2</b>  | 1962 c. 5 (NI)   |
| <b>F3</b>  | S. 2(1): definition of "fish" repealed (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), 34(2), <b>Sch. 3</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.        |
| <b>F4</b>  | 1966 c. 17 (NI)  |
| <b>F5</b>  | Ext. (other Ministers), 1962 c. 5 (NI)   |
| <b>F6</b>  | Functions transf. to D/Agric., SRO (NI) 1963/29  |
| <b>F7</b>  | S. 2(1): definition of "river" substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), <b>4(a)(i)</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.          |
| <b>F8</b>  | S. 2(1): definition of "several fishery" inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), <b>4(a)(iii)</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch. |
| <b>F9</b>  | S. 2(1): definition of "waters" substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), <b>4(a)(ii)</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.        |
| <b>F10</b> | S. 2(2)(3)(4) substituted (1.6.2008) for s. 2(2) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), <b>4(b)</b> (with art. 32); S.R. 2008/232, <b>art. 2</b> , Sch.                  |

### 3 The Foyle Area.

- (1) In this Act “the Foyle Area” means the area comprising the fishery district, originally created and defined as the Londonderry District by an order made on the ninth day of July, 1855, by the Commissioners of Fisheries.

[<sup>F11</sup>(1A) In this Act “the Carlingford Area” means—

- (a) the whole of the sea along the coast between the low water line of the most southerly point of Cranfield Point in the County of Down and the low water line of the most easterly point of Ballaghan Point, in the County of Louth, and within a straight line between those points, and any islands or rocks within the same, with the whole of the tideway along the said coast; and
- (b) the whole of all lakes, rivers and their tributaries which flow into the sea within the area defined in paragraph (a) and all of the land catchment from which water drains into those lakes and rivers.]

- (2) Judicial notice shall be taken of the boundaries of the Foyle Area<sup>F11</sup> and the Carlingford Area].

**F11** SI 1999/859

*S. 4 rep. by 1966 c. 17 (NI)*

*S. 5 rep. by SI 1999/859*

### 6 Deposit of copies of orders and regulations.

A copy of every order or regulation made under this Act shall be deposited—

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- <sup>F12</sup>(a) with the chief clerk for every county court division which or part of which is situate in the Londonderry Area<sup>F13</sup> or the Newry Area];
- (b) with the clerk of every petty sessions district which or part of which is situate in the Londonderry Area<sup>F13</sup> or the Newry Area]; and
- (c) in every Royal Ulster Constabulary Barracks situate in the Londonderry Area<sup>F13</sup> or the Newry Area].

**F12** SR 1979/103

**F13** SI 1999/859

*S. 7 rep. by SLR 1976*

**Status:**

Point in time view as at 01/06/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, PART I.