



# Fisheries Act (Northern Ireland) 1966

## 1966 CHAPTER 17

### PART VIII

#### SEA-FISHERIES

##### REGULATIONS

#### **[<sup>F1</sup>124 Sea-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 [<sup>F2</sup> in Northern Ireland inshore waters or] in [<sup>F3</sup> the Northern Ireland zone].

[<sup>F4</sup>(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 sea-fishing 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;

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- (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;
- [<sup>F2</sup>(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.
- [<sup>F2</sup>(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) 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.]
- [<sup>F2</sup>(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 high-water mark of ordinary spring tides; and
- (b) “sea-fisheries” includes any fishery within that area.]

**F1** 1981 NI 7

**F2** 2001 c. 4 (NI)

**F3** SI 2002/790

**F4** 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.

**[<sup>F5</sup>126 Landing etc., fish caught in contravention of regulations.**

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.]

**F5** 1981 NI 7

UNDERSIZED SEA-FISH

**[<sup>F6</sup>127 Minimum sizes of sea-fish.**

(1) Subject to subsections (5) and (6), no person shall [<sup>F7</sup> 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.

<sup>F7</sup>(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.

<sup>F7</sup>(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 [<sup>F8</sup> section 1(1) of the Sea Fish (Conservation) Act 1967 ] (which ...<sup>F9</sup> prohibits the landing in Great Britain and disposal there of sea-fish of less than the prescribed size ...<sup>F9</sup>) 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; ...<sup>F9</sup>

*Para.(b) rep. by 1981 NI 7*

<sup>F9</sup> ....

(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

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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, ...<sup>F9</sup>.
- (9) Any person, ...<sup>F9</sup> who is guilty of an offence under subsection (8) shall be liable on summary conviction [<sup>F10</sup> to a fine not exceeding £1,000.]
- (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.
- (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.

**F6** mod. by SR 2000/20

**F7** 1981 NI 7

**F8** 1981 NI 7

**F9** 1981 NI 7

**F10** 1981 NI 7

**Modifications etc. (not altering text)**

**C1** 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))

OTHER PROVISIONS

**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.
- (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

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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.

*S.130 rep. by 1981 NI 7*

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