



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART IV

PROTECTION OF FISHERIES

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

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
- [^{F1}(a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.]
- [^{F1}(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 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.
- [^{F2}(3) Where a person (in this section referred to as "the person convicted") has been convicted of an offence under subsection (1), [^{F3}the Department]—
- (a) after consulting the owner of the fishing rights in the waters affected by the pollution; or
 - (b) without such consultation if [^{F3}the Department] , upon making reasonable enquiries, is unable to ascertain the name and address of the owner,
- may—
- (i) carry out such [^{F4} reinstatement] of the waters as is reasonable in the circumstances, and
 - (ii) recover the cost thereof from the person convicted.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 47. (See end of Document for details)

- (4) Any question as to—
- (a) the reasonableness of any^{F4} 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.
- (5) 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^{F4} reinstatement] carried out by [^{F3}the Department] under subsection (3).]

F1 1994 NI 15

F2 1991 NI 13

F3 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)**

F4 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)

Changes to legislation:

There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 47.