



# Foyle Fisheries Act (Northern Ireland) 1952

## 1952 CHAPTER 5

### PART VI

#### PROTECTION OF FISHERIES

*[<sup>F1</sup>Unlicensed fishing, etc.*

#### **[<sup>F1</sup>35A Prohibition of unlicensed fishing**

- (1) A person shall not fish for, take or kill salmon or such other kind of fish as may be prescribed for the purposes of this section except—
  - (a) under the authority of a fishing licence; and
  - (b) in accordance with the terms and conditions of that licence and of any regulations relating to it.
- (2) A person shall not have in his possession in or near any fishing place any fishing engine for the taking or killing of salmon or such other kind of fish as may be prescribed for the purposes of this section, which is erected or in fishing order, unless there is in force a fishing licence by virtue of which he is authorised to use that fishing engine at that place.
- (3) A person who acts, or causes or permits another person to act, in contravention of subsection (1) or (2) shall be guilty of an offence against this Act.
- (4) If any person using at any place a fishing engine for which a fishing licence is required under this Act, or having such a fishing engine erected or in fishing order in his possession in or near any fishing place, fails on demand to produce to an authorised person a fishing licence by virtue of which he is authorised to use that fishing engine at that place, he shall be guilty of an offence against this Act.
- (5) A person guilty of an offence under subsection (3) or (4) by reason of a contravention of subsection (1), (2) or (4) which consists only of the use or possession of a rod and

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*Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, Section 35A. (See end of Document for details)*

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line or hand line shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (6) 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 the Commission) or fraudulently counterfeited;
- shall be guilty of an offence against this Act.
- (7) In charging an offence under this section by reason of a contravention of subsection (1) it shall be sufficient—
- (a) where the contravention consists only of the use or possession of a rod and line or hand line, to describe the offence as “unlicensed angling contrary to section 35A of the Foyle Fisheries Act (Northern Ireland) 1952”; and
  - (b) in any other case, to describe the offence as “fishing by unlicensed means contrary to section 35A of the Foyle Fisheries Act (Northern Ireland) 1952”.
- (8) In this section and in section 35B “fishing licence” means—
- (a) a licence issued by the Commission under regulations made by the Commission under this Act; or
  - (b) a licence corresponding to a licence mentioned in paragraph (a) and issued by a body approved for the purposes of this paragraph by NSMC.
- (9) In relation to a fishing licence issued by a body other than the Commission, the reference to regulations in subsection (1)(b) shall be construed as a reference to regulations or byelaws relating to that licence.
- (10) This section is subject to section 35B.]

<p><b>F1</b> Ss. 35A, 35B and preceding cross heading inserted (1.6.2008) by <a href="#">Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9))</a>, arts. 1(3), <b>11</b> (with art. 32); S.R. 2008/232, <b>art. 2</b>, Sch.</p>
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