



Fisheries Act (Northern Ireland) 1966

1966 CHAPTER 17

PART IV

PROTECTION OF FISHERIES

OBSTRUCTIONS TO PASSAGE OF FISH

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 [^{F1} £500] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (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.
- (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.
- (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

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Changes to legislation: There are currently no known outstanding effects for the Fisheries Act (Northern Ireland) 1966, Section 57. (See end of Document for details)

- (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.

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