



Isle of Man

Ellan Vannin

AT 26 of 1976

INLAND FISHERIES ACT 1976



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Index

Section	Page
PART I – GENERAL FUNCTIONS OF THE DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE AND OF THE INSPECTOR OF INLAND FISHERIES	9
<hr/>	
<i>Preliminary</i>	9
1 Responsibility of the Department of Environment, Food and Agriculture for inland fisheries.....	9
2 Inspector of inland fisheries.....	10
3 River watchers.....	10
4 Annual report.....	10
<i>Other provisions for the improvement and protection of fisheries</i>	10
5 General power for stocking of waters.....	10
6 Power of Department to improve fisheries at expense of other persons.....	10
7 Power of Department to establish a fish farm.....	11
8 Fish culture licences.....	11
9 Power of Department to conduct or assist research.....	13
10 Prohibition of introduction of fish of certain kinds.....	13
11 Exemptions for artificial propagation and scientific purposes.....	13
<i>Protection of quality of fish</i>	14
12 Regulations for protection of quality of fish.....	14
<i>Definitions of mouths of rivers, etc.</i>	15
13 Definitions of mouths of rivers, etc.....	15
<i>General Regulations, etc.</i>	15
14 General Regulations.....	15
15 Disclosure of returns and information.....	16
<i>Inquiries</i>	16
16 Power of Department to hold inquiries and investigations.....	16
17 Notice of inquiries.....	16
<i>Financial provisions</i>	17
18 Expenses.....	17

19	Appropriations in aid	17
PART II – FISHING LICENCES		18
20	Arrangements for the issue of certain licences.....	18
21	Angling licences to be non-transferable.....	18
22	Effect of fishing licences	18
23	Prohibition of unlicensed fishing.....	19
24	Defence to charges under s 23	19
25	Falsification, etc, of licences	19
PART III – PROTECTION OF FISHERIES		20
	<i>Protection of fishing waters from poisoning, etc., and pollution</i>	20
26	Penalty for use or possession of deleterious matter	20
27	[Repealed].....	20
	<i>Protection of young and breeding fish</i>	20
28	Taking etc, spawn, smolts or fry of salmon or trout	20
29	Chasing, etc, spawning fish	21
30	Penalties for taking, etc, unseasonable salmon or trout.....	21
31	Prohibition against sale, etc, of immature salmon or trout	21
32	Removal of natural obstructions in rivers to allow free passage of fish	21
33	Construction of fish passes in dams in rivers.....	22
34	Penalty for taking fish in a fish pass, using fishing engines in a fish pass or placing obstacles in a fish pass	23
35	Restrictions on the use of fishing engines at or in the vicinity of dams	23
36	Penalty for taking fish in works or watercourses appurtenant to mills	23
37	Provisions in relation to sluices, etc, of mills deriving water from rivers.....	24
	<i>Abstraction of water from rivers and lakes</i>	25
38	Gratings	25
39	[Repealed].....	25
	<i>Interpretation</i>	25
40	Interpretation of Part III	25
PART IV – REGULATION OF FISHING FOR SALMON AND FRESHWATER FISH		26
	<i>Prohibition of certain methods of fishing</i>	26
41	Penalty for using certain devices for taking fish.....	26
42	Fishing for salmon or trout by cross lines.....	27
43	Penalty for damming or teeming river or mill-race for purpose of taking salmon or trout	27
	<i>Prohibition of nets, fishing weirs and fixed fishing engines with certain exceptions</i>	27
44	Restrictions on use of nets.....	27
45	Restrictions with respect to fishing weirs and fixed fishing engines.....	27

	<i>Other provisions</i>	28
46	Restriction on possession of unlawful fishing engines, etc	28
47	Taking salmon or trout unlawfully killed or found dead.....	28
PART V – TIMES OF FISHING FOR SALMON AND TROUT		29
48	Annual close seasons.....	29
49	Penalties for fishing during the annual close season.....	29
PART VI – RESTRICTIONS ON DEALINGS IN SALMON AND TROUT		29
50	Prohibition of sale, etc, of salmon or trout unlawfully captured.....	29
51	Prohibition of purchase, sale, etc, of salmon and trout at certain times	30
52	Penalties for offences under Part VI.....	30
PART VII – MISCELLANEOUS OFFENCES		30
53	Obstructing persons lawfully fishing	30
54	Placing fishing engine with intent to prevent fish entering any other fishing engine lawfully set	31
55	Unauthorised fishing in private waters.....	31
PART VIII - AUTHORISED PERSONS		31
	<i>Definitions</i>	31
56	Definitions for purposes of Part VIII.....	31
	<i>Provisions with respect to particular classes of authorised persons</i>	32
57	Restrictions on powers of constables and officers of the Department	32
58	Appointment, etc, of private water bailiffs	32
59	Warrant for exercise of powers.....	33
	<i>Powers</i>	33
60	General powers of authorised persons	33
61	Power of justice of the peace to grant warrant to enter certain places.....	34
62	Boarding and examination of boats	34
63	Apprehension of offenders.....	35
64	Powers in relation to fishing engines, etc.....	35
65	Powers of inspection, examination and detention.....	36
66	Persons using, etc, fishing engines to produce fishing licence therefor on demand.....	36
67	Procedure for disposal of boat or fishing engine seized in certain cases.....	37
68	Procedure for disposal of fish seized or detained	38
	<i>Protection of authorised persons</i>	39
69	Penalty for assaulting authorised person.....	39
70	Obstructing or impeding authorised person	39
71	Giving warning to persons unlawfully fishing	39
72	Indemnification of authorised persons.....	39

PART IX – SUPPLEMENTAL PROVISIONS	40
<i>General considerations</i>	40
73 Preservation of amenity.....	40
<i>Legal Proceedings</i>	40
74 Complaints	40
75 Additional defence for persons charged with buying, etc, undersized fish	40
<i>Forfeitures</i>	41
76 Forfeiture of boat, fishing engine, etc, as statutory consequence of conviction	41
77 Non-obligation of court to pronounce or record forfeiture.....	41
78 Power of court to order forfeiture of vehicle.....	41
79 Disposal of forfeitures.....	42
80 Forfeiture of licences, etc	42
<i>Penalties</i>	42
81 Penalties for offences	42
<i>Expenses</i>	43
82 Recovery and evidence of expenses	43
<i>Interpretation</i>	43
83 Interpretation	43
84 Transitional and saving provisions	46
85 [Repealed].....	46
86 Short title and construction.....	46
SCHEDULE 1	47
SUSPENSION AND REVOCATION OF FISH CULTURE LICENCES	47
SCHEDULE 2	48
MATTERS IN RESPECT OF WHICH REGULATIONS MAY BE MADE UNDER	48
SCHEDULE 3	50
POWERS OF AUTHORISED OFFICER	50
SCHEDULE 4	51
TRANSITIONAL AND SAVING PROVISIONS	51
SCHEDULE 5	52
ENDNOTES	53
TABLE OF LEGISLATION HISTORY	53
TABLE OF RENUMBERED PROVISIONS	53
TABLE OF ENDNOTE REFERENCES	53



Isle of Man

Ellan Vannin

INLAND FISHERIES ACT 1976

Received Royal Assent: 15 December 1976
Passed: 18 January 1977
Commenced: 10 March 1977

AN ACT to make better provision in the law relating to fisheries and fishing (other than sea fisheries and sea fishing), and for connected purposes.

GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.
2. References to a Board of Tynwald are to be construed in accordance with the *Government Departments Act 1987* s 7.
3. The amendments made by GC121/86 are by it as amended by GC212/88.

PART I – GENERAL FUNCTIONS OF THE DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE AND OF THE INSPECTOR OF INLAND FISHERIES¹

Preliminary

1 Responsibility of the Department of Environment, Food and Agriculture for inland fisheries

[NI/1969R/1]

Subject to the provisions of this Act, the Department of Environment, Food and Agriculture (in this Act referred to as ‘the Department’) shall be responsible in the Island for the supervision and protection of fisheries (other than sea fisheries) and for fostering the establishment and development of such fisheries, and shall, for those purposes, exercise the functions conferred on the Department by or under this Act.²

2 Inspector of inland fisheries

- (1) The Civil Service Commission shall appoint an inspector of inland fisheries (in this Act referred to as 'the inspector').
- (2) The inspector shall exercise such functions as may be conferred on him by or under this Act and such functions of the Department under this Act as may be delegated to him by the Department.³

3 River watchers

- (1) The Department shall appoint such number of river watchers (in this Act referred to as 'watchers') as it considers necessary to assist the inspector in the exercise of his functions under this Act.⁴
- (2) A watcher shall exercise such functions as may be conferred on him by or under this Act and such of the functions of the inspector as may be delegated to him by the Department.⁵

4 Annual report

- (1) The inspector shall, as soon as possible after the beginning of each financial year, prepare a report on fisheries and fishing and shall submit the report to the Department.⁶
- (2) [Repealed]⁷

Other provisions for the improvement and protection of fisheries

5 General power for stocking of waters

[NI/1969R/8]

Where the Department is satisfied —

- (a) that, for the purpose of developing or improving the fishery of any waters, it is expedient to introduce into those or any other waters fish of any kind; and
- (b) that the introducing of fish of that kind will not interfere with the reasonable and legitimate interests of any other person,

the Department may acquire, and may do such things as are necessary to establish in any such waters, any fish of that kind.⁸

6 Power of Department to improve fisheries at expense of other persons

[NI/1969R/9(1) and (3)]

- (1) For the purpose of improving any fishery, the Department may, by agreement with and at the expense of any other person, either execute any works or do any thing which that person is entitled to execute or do.⁹

- (2) The execution of any works or the doing of any thing by the Department by agreement with any other person under subsection (1) above shall not diminish in any respect any responsibility of that other person for any act or thing done in pursuance of the agreement.¹⁰

7 Power of Department to establish a fish farm

[NI/1969R/10]

- (1) The Department may establish and operate an undertaking for the culture of fish (in this Act referred to as a 'fish farm') for the purposes —
- (a) of providing fish for the stocking or restocking of any waters under section 5 of this Act, or of any waters the fishing rights in which are owned by, or which are under the control of —
 - (i) the Department; or¹¹
 - (ii) any other person; or
 - (iii) any association of persons interested in the fishery of any waters; and
 - (b) in so far as any fish reared in such a fish farm are not required for the purposes mentioned in paragraph (a) above, of providing fish for human consumption.¹²
- (2) Where, under subsection (1)(a) above, the Department provides fish for the purposes of any other person or any association, the Department may do so on such terms as it thinks fit and may, in particular, do so in consideration of the payment to the Department of a sum of money less than the market value of the fish, or without payment, regard being had to —
- (a) any undertaking given to the Department by that person or association as to the provision by him or it of facilities for angling by members of the public or any section thereof; or¹³
 - (b) any proposals of that person or association for the development or improvement of any waters for fishing and for the care and protection of such waters after such development or improvement has been carried out.¹⁴

8 Fish culture licences

[NI/1969R/11]

- (1) The Department with the approval of the Isle of Man Water and Sewerage Authority may by licence (in this Act referred to as a 'fish culture licence') authorise, subject to such conditions as may be contained in the licence, any person to operate a fish farm at a place specified in the licence and, in connection therewith, to carry on such operations in relation to the culture of fish of any kind specified in the licence as may be so specified.¹⁵

- (2) The conditions which may be contained in a fish culture licence shall include conditions as to the times and seasons at, and the manner in which, fish may be taken; and the licence may, in so far as is expedient for the purpose of giving effect to any such conditions, exempt —
- (a) the holder of the licence and any person acting under his directions; and
 - (b) a person who acquires fish of any kind taken in accordance with such conditions,
- from the restrictions imposed by section 51 of this Act, in so far as those restrictions apply to fish of that kind.
- (3) Without prejudice to subsection (2) above, and notwithstanding anything contained in this Act or any regulation, a person to whom a fish culture licence is granted, and any person acting under his directions, may, subject to the conditions contained in the licence, do any of the things authorised by the licence.
- (4) The Department may amend a fish culture licence —
- (a) on the Department's own motion, within ten years from the date on which the licence was granted; or¹⁶
 - (b) on the application of the holder of the licence, at any time.¹⁷
- (5) When the Department proposes to amend a fish culture licence under subsection (4)(a) above, the Department shall —
- (a) give to the holder of the licence at least twenty-eight days' prior notice of its intention to do so; and
 - (b) state in the notice given under paragraph (a) above the specific amendments under consideration and the grounds upon which it is proposed to be made,
- and shall consider any representations in relation to the amendment made by the holder before the expiration of the notice.¹⁸
- (6) A fish culture licence may be suspended or revoked in accordance with the provisions of Schedule 1 to this Act.
- (7) If any person —
- (a) operates a fish farm with respect to which a fish culture licence is not for the time being in force; or
 - (b) without reasonable excuse, operates a fish farm with respect to which such a licence is so in force, otherwise than in accordance with any conditions attached to the licence,
- he shall be guilty of an offence.

9 Power of Department to conduct or assist research

[NI/1969R/12]

The Department may, with the approval of the Treasury, conduct or promote, or assist (by grants or otherwise) any person in conducting, research or investigations into any matter relating to fish or any fishery.¹⁹

10 Prohibition of introduction of fish of certain kinds

[NI/1969R/13]

- (1) Where the Department is satisfied that the introduction into any waters of fish of any particular kind would be detrimental to the fishery of those waters, it may make an order prohibiting the introduction into those waters of any fish of that kind.²⁰
- (2) Any person who knowingly introduces any thing into any waters in contravention of an order made under subsection (1) above shall be guilty of an offence.
- (3) Where an order has been made under subsection (1) above with respect to any waters, the Department may, on the application of any person, issue to that person a permit to introduce into those waters any fish of a kind the introduction of which into those waters is prohibited by the order, and may attach to the permit such conditions as the Department thinks proper and specifies in the permit; and a person to whom such a permit has been granted, or any other person acting under his directions, may, subject to the conditions specified in the permit, do anything authorised by the permit without incurring any penalty under this section.²¹
- (4) An order under this section shall not have effect until it has been approved by Tynwald.

11 Exemptions for artificial propagation and scientific purposes

[NI/1969R/14]

- (1) The Department may, by permit in writing and subject to any conditions specified in the permit, authorise any named person to do, at any season of the year, such things as may be specified in the permit for the purpose of the artificial propagation of fish for some scientific purpose or for the improvement of any fishery and, without prejudice to the generality of the foregoing —
 - (a) to catch fish of any kind specified in the permit and to have in his possession fish of that kind for the purpose of artificial propagation, transplantation, the stocking, restocking or improvement of any fishery or for any scientific purpose and, for the purpose of so catching, to have in his possession, erect and use any fishing engine of a kind specified in the permit or to have in his possession and use any substance of a kind so specified;

- (b) to buy or sell fish of any kind specified in the permit for the purpose of stocking or restocking or for any scientific purpose;
 - (c) to dispose of fish taken in accordance with the terms of the permit in such manner and on such terms as may be so authorised.²²
- (2) Notwithstanding anything contained in this Act or any public document made thereunder, a person to whom a permit is issued under subsection (1) above or any other person acting under the directions of such first-mentioned person may, subject to any conditions specified in the permit, do any of the things authorised by the permit without incurring any penalty under this Act.
- (3) A person to whom a permit has been given by the Department under this section shall, if, when doing anything pursuant to the permit, he is so requested by an authorised person, produce the permit to that person.²³
- (4) In subsection (3) above, 'authorised person' has the same meaning as in section 56 of this Act.

Protection of quality of fish

12 Regulations for protection of quality of fish

[NI/1969R/15A]

- (1) With a view to reducing the risk of deterioration of, or damage to, fish after capture and before they are brought onto retail premises or, if not so brought, are sold by retail, the Department may make regulations imposing a duty on persons engaged in the business of fishing or of handling, processing, storing, transporting or selling fish, and persons acting on their behalf, to comply with such requirements, including requirements –
- (a) relating to processing, hygiene or temperature;
 - (b) as to the storage or exposure of fish;
 - (c) as to the construction, layout and equipping of premises used for processing fish,
- as may be specified in the regulations.²⁴
- (2) Regulations under this section may prescribe standards of quality for fish and may limit the purposes for which fish of any of the standards may be used.
- (3) If any person contravenes a provision of regulations made under this section he shall be guilty of an offence unless he satisfies the court that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by any person under his control.

- (4) Regulations under this section shall not have effect until they have been approved by Tynwald.
- (5) In this section —
‘processing’, in relation to fish, includes preserving or preparing the fish, or producing any substance or article from it, by any method for human or animal consumption;
‘retail premises’ means any separate and distinct premises, or part of any premises, used solely for the purposes of sale by retail or any vehicle so used.

Definitions of mouths of rivers, etc.

13 Definitions of mouths of rivers, etc

[NI/1969R/16]

For the purposes of this Act, the Department after agreement with the Department of Infrastructure may by order define, by reference to a map or otherwise —

- (a) the mouth of any river at its entrance into any lake or the sea;
- (b) the mouth of any tributary river at its entrance into any other river;
- (c) the boundary between the tidal and freshwater portions of any river;
- (d) the point or points to or from which distances are to be measured under this Act;
- (e) the areas within which it is prohibited under this Act to use or practise certain methods of fishing.²⁵

General Regulations, etc.

14 General Regulations

[NI/1969R/17]

- (1) The Department may make regulations generally for giving effect to the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may provide for any of the matters mentioned in Schedule 2 to this Act.²⁶
- (2) Every person who —
 - (a) acts in contravention of any such regulation; or
 - (b) being a person required by any such regulations to keep any record or to make any return, makes in any such record or return any statement which to his knowledge is false or misleading in any material respect,

shall be guilty of an offence unless he satisfies the court that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by any person under his control.

- (3) Regulations under this section shall not have effect until they have been approved by Tynwald.

15 Disclosure of returns and information

[NI/1969R/18]

- (1) Subject to subsection (2) below, returns, or any information contained in returns, furnished pursuant to any regulations shall not, without the consent of the person by whom any return was made or, as the case may be, the person to whose business the returns relate, be disclosed otherwise than to the Department or an officer of the Department.²⁷
- (2) Subsection (1) above shall not apply to —
- (a) the disclosure of returns or information in the form of a summary of similar returns or information furnished by or obtained from a number of persons, if the summary is so framed as not to enable particulars relating to any individual or any individual business to be ascertained from it; or
 - (b) any disclosure of information made for the purposes of any legal proceedings pursuant to this Act, or for the purposes of any report of any such proceedings; or
 - (c) the disclosure of any such returns or information in so far as the disclosure is required or authorised by or under this Act.
- (3) Any person who discloses any information in contravention of this section shall be guilty of an offence.

Inquiries

16 Power of Department to hold inquiries and investigations

[NI/1969R/20(1)]

The Department may cause inquiries to be held in accordance with regulations, or investigations to be made, in relation to the fisheries in the Island, or any of them, and the best means to be adopted for the management, conservation, protection or improvement thereof, or in relation to the operation of this Act.²⁸

17 Notice of inquiries

[NI/1969R/21]

Where, under section 16 of this Act, the Department causes an inquiry to be held, sufficient notice of that inquiry shall be deemed to be given if, not less than fourteen days before the holding of the inquiry, notice of the time and place at which the inquiry is to be held, and of the matters to be inquired into or

considered thereat, is given by an advertisement inserted in one or more than one newspaper published and circulating in the Island.²⁹

Financial provisions

18 Expenses

[NI/1969R/23]

- (1) Subject to the succeeding provisions of this Part, there shall be defrayed out of money provided by Tynwald –
 - (a) any expenditure incurred by the Department under this Act, including, in particular –
 - (i) any expenditure incurred in relation to the stocking of any waters under section 5 of this Act;
 - (ii) subject to subsection (2) below, the cost of executing any works or doing any thing which the Department is by this Act authorised to execute or do at the expense of any other person;³⁰
 - (iii) any expenses incurred in relation to a fish farm established under section 7 of this Act; and
 - (iv) any sums expended for the purposes of research or investigations carried out by the Department under section 9 of this Act, or of any grants or other assistance provided for other persons under that section; and³¹
 - (b) any increase attributable to any provision of this Act in the sums which are authorised or required to be so defrayed under any other enactment.
- (2) The payment under subsection (1) above of the amount of any expenses incurred by the Department in executing any works or doing any thing that may be so executed or done under this Act at the expense of any other person shall be subject to the reimbursement of the Department in the like amount by the person at whose expense the works are executed or the thing is done.³²
- (3) There shall be paid into the General Revenue any sums received by the Department under subsection (2) above in reimbursement of any payment such as is described in that subsection.³³

19 Appropriations in aid

[NI/1969R/24]

There shall be appropriated in aid of money provided by Tynwald for defraying the expenses incurred by the Department under this Act any sums received by the Department under this Act (other than sums to which section 18(3) of this Act applies) including, in particular –

- (a) any sum paid to the Department by any person in respect of a permit issued to him by the Department authorising him to fish in any waters the fishing rights in respect of which are for the time being vested in the Department;³⁴
- (b) any sum received by the Department in respect of the sale of fish from a fish farm operated by the Department under section 7 of this Act; and³⁵
- (c) any other sum paid to the Department by a person interested in the development of a fishery to defray any expenses incurred under this Act in relation to that fishery.³⁶

PART II – FISHING LICENCES

20 Arrangements for the issue of certain licences

[NI/1969R/38]

The Department may make arrangements for the issue, through agents, of fishing licences of such classes as may be prescribed.³⁷

21 Angling licences to be non-transferable

[NI/1969R/39]

A fishing licence to fish with rod and line shall be used only by the person to whom it is issued and shall not be transferable.

22 Effect of fishing licences

[NI/1969R/40]

A fishing licence shall operate in accordance with the terms of the regulations under which it is issued and of the licence, but shall not be construed –

- (a) as conferring on any person using any fishing engine any right of fishing in any place, being a right which he does not otherwise possess; or
- (b) as affecting the rights of any person other than the licence-holder or, in the case of a licence to which section 21 of this Act does not apply, the person using the fishing engine; or
- (c) as making legal any fishing engine that would otherwise be illegal, or as implying any recognition of the legality of any fishing engine; or
- (d) as rendering lawful anything which is unlawful by virtue of any enactment other than this Part.

23 Prohibition of unlicensed fishing

[NI/1969R/41]

- (1) Unless exempted by regulations or by any other enactment, a person shall not fish for, take or kill salmon, or any freshwater fish, except under the authority of a licence issued pursuant to regulations and in accordance with the terms and conditions of that licence and of the regulations relating to it.
- (2) Unless expressly empowered as mentioned in subsection (1) above, 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 freshwater fish which is erected or in fishing order, unless there is in force a fishing licence by or by virtue of which he is authorised to use that fishing engine at that place.
- (3) Subject to section 24 of this Act, any person who acts, or causes or permits any other person to act, in contravention of subsection (1) or (2) above shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,500.

24 Defence to charges under s 23

Where a person is charged with an offence under section 23 of this Act, it shall be a good defence for him to satisfy the court —

- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by any person under his control; and
- (b) that, if the offence consisted in taking a fish which he was not lawfully permitted to take, he immediately returned the fish to the water without any avoidable injury.

25 Falsification, etc, of licences

[NI/1969R/45]

A person who, knowingly or with intent to deceive —

- (a) uses or 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 Department) or fraudulently counterfeited,³⁸

shall be guilty of an offence.

PART III – PROTECTION OF FISHERIES

Protection of fishing waters from poisoning, etc., and pollution

26 Penalty for use or possession of deleterious matter

[NI/1969R/46]

- (1) If any person uses in any waters any deleterious matter for the capture, destruction or injury of fish, he shall be guilty of an offence.
- (2) If any person, being on the bank of or near any waters, has in his possession or under his control any deleterious matter, he shall, until the contrary is proved, be deemed to have that matter for the capture, destruction or injury of fish.
- (3) Every person guilty of an offence under this section shall be liable —
 - (a) on conviction on information, to imprisonment for a term not exceeding two years or to a fine, or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.

27 [Repealed]³⁹

Protection of young and breeding fish

28 Taking etc, spawn, smolts or fry of salmon or trout

[NI/1969R/48]

- (1) If any person, without reasonable excuse —
 - (a) takes, sells, purchases or has in his possession the spawn or fry of salmon or trout; or
 - (b) obstructs the passage of the fry of salmon or trout; or
 - (c) injures or disturbs the spawn or fry of salmon or trout; or
 - (d) injures or disturbs any spawning bed, bank or shallow where the spawn or fry of salmon or trout may be,he shall be guilty of an offence.
- (2) Where a person is charged with the offence of taking or having in his possession any fry in contravention of subsection (1)(a) above, it shall be a good defence for him to prove that he removed the fry from a system of waters solely for the purpose of preserving them from some immediate danger (whether actual or reasonably apprehended) and that he returned, or intended to return, them to an adjacent safer part of the same system of waters, without any avoidable injury, as soon as reasonably practicable.

- (3) In this section (except in subsection (1)(d) above), ‘fry’, in relation to salmon, includes parr and smolts.

29 Chasing, etc, spawning fish

[NI/1969R/49]

If any person chases, or intentionally injures or disturbs, spawning fish or fish on the spawning beds or attempts (otherwise than by means of lawful angling with rod and line) to catch fish thereon, he shall be guilty of an offence.

30 Penalties for taking, etc, unseasonable salmon or trout

[NI/1969R/50]

- (1) Any person who at any time wilfully takes or kills, or who knowingly buys, sells, offers or exposes for sale or has in his custody or possession, any unseasonable salmon or trout shall be guilty of an offence.
- (2) A person who is guilty of an offence under subsection (1) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.

31 Prohibition against sale, etc, of immature salmon or trout

[NI/1969R/51]

- (1) Any person who buys, sells, offers or exposes for sale, or has in his possession for sale, any salmon or trout which is immature shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.⁴⁰
- (2) For the purposes of this section, ‘immature’ means that the fish is of a length less than that prescribed by regulations, or if no length is so prescribed, of a length less than eighteen centimetres measured from the tip of the snout to the fork or cleft of the tail.

Obstructions to passage of fish

32 Removal of natural obstructions in rivers to allow free passage of fish

[NI/1969R/53]

- (1) Where, in a river, natural obstructions of any kind prevent or impede the free passage of fish, the Department of Infrastructure may, on the application of any person interested in a fishery in the river, authorise the construction of works or the making of alterations in the bed of the river so as to secure the free passage of fish at all times, if that Department is satisfied that such construction or alterations will not impair the effective working power of any mill or the drainage of any lands.⁴¹

- (2) Any works constructed or alterations made under subsection (1) above shall be executed in accordance with plans, sections and specifications approved by the said Department.⁴²
- (3) The cost of any work or alterations authorised under subsection (1) above shall be borne by the person on whose application the authorisation is given.
- (4) Where, under subsection (1) above, the said Department authorises the construction of works or the making of alterations in the bed of a river, the Department may, by agreement with the person on whose application the authorisation is given, cause the works or alterations so authorised to be executed.⁴³
- (5) Where the execution of any works or alterations in pursuance of an authorisation given under subsection (1) above results in damage or injury to any person, that person may recover compensation from the person on whose application the authorisation was given.

33 Construction of fish passes in dams in rivers

[NI/1969R/54]

- (1) Where a dam is constructed in a river after the date on which this section takes effect, a fish pass, sufficient to permit the free passage through the dam of salmon and trout at all times, shall be provided and maintained by the owner of the dam.
- (2) Subsection (1) above shall not apply so as to require the provision of a fish pass in conjunction with a particular dam in a river if the Department is satisfied that, having regard to the nature of the dam or of the river, or of the kinds of fish frequenting or likely to frequent the river, it is unnecessary or unreasonable to insist upon compliance with the requirements of that subsection and by notice in writing grants exemption from those requirements with respect to that dam.⁴⁴
- (3) Every fish pass provided under this section shall be constructed in accordance with plans, sections and specifications approved by the Department of Infrastructure.⁴⁵
- (4) The cost of providing a fish pass shall be borne by the owner of the dam.
- (5) Where, in contravention of subsection (1) above, the owner of a dam does not provide a fish pass in conjunction with that dam, the Department may, by notice in writing, require him to do so, and, if he fails to comply with the notice within any reasonable period specified therein, the Department may, subject to subsection (3) above, cause a fish pass to be constructed and may recover from the person liable under subsection (4) above any expenses reasonably incurred in executing the works undertaken for that purpose.⁴⁶

- (6) If any owner of a dam fails, without reasonable excuse, to provide such a fish pass as he is required by this section to provide, or where such a fish pass has been provided (whether by him or not), fails to maintain it in an efficient state, he shall be guilty of an offence.
- (7) This section does not apply to any dam constructed by the Isle of Man Water and Sewerage Authority in pursuance of an order under section 3 of the *Water Act 1991*.⁴⁷

34 Penalty for taking fish in a fish pass, using fishing engines in a fish pass or placing obstacles in a fish pass

[NI/1969R/55]

- (1) If any person —
 - (a) takes or kills any fish in a fish pass; or
 - (b) uses any fishing engine in a fish pass; or
 - (c) places any obstacle or contrivance of any kind or does any thing in or near a fish pass in order to deter or prevent fish from freely entering or passing through the fish pass at all times; or
 - (d) authorises or permits any other person to do any of the acts referred to in paragraphs (a) to (c) above,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.

- (2) Where a person is convicted under subsection (1) (c) above of the offence of placing an obstacle or contrivance in a fish pass, the Department may cause the obstacle or contrivance to be removed and may recover from that person any expenses reasonably incurred in doing so.⁴⁸

35 Restrictions on the use of fishing engines at or in the vicinity of dams

[NI/1969R/56(1) and (3)]

- (1) No person shall use any fishing engine (other than a rod and line) at any place within two hundred yards above or below any dam.
- (2) If any person contravenes subsection (1) above, he shall be guilty of an offence and, in the case of a contravention of that subsection, shall be liable on summary conviction to a fine not exceeding £5,000.

36 Penalty for taking fish in works or watercourses appurtenant to mills

[NI/1969R/57]

- (1) Subject to subsection (2) below, 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 imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.

- (2) Subsection (1) above 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.

37 Provisions in relation to sluices, etc, of mills deriving water from rivers

[NI/1969R/58]

- (1) The following provisions shall apply in relation to every mill which derives its supply of water from a river —
- (a) if there is a fish pass in the dam belonging to the mill, or if the dam is a weir and is not provided with a channel such as is mentioned in paragraph (b) below, the mill sluices and the waste gates or over-falls shall be kept shut —
 - (i) for twenty-four consecutive hours in each week between the hour of six o'clock on Saturday afternoon and six o'clock on the next-following Monday morning; and
 - (ii) during any other period when the mill is not being worked;
 - (b) if there is no fish pass in the dam belonging to the mill and if the waste gate on the upstream side of the mill sluices is erected in a channel suitable for the passage of fish, the mill sluices shall be kept shut and the waste gate kept open during the periods specified in paragraph (a)(i) and (ii) above.
- (2) If the occupier of a mill fails, without reasonable excuse, to comply with the provisions of subsection (1)(a) or (b) above, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.
- (3) Where the occupier of a mill is charged with an offence under this section, it shall be a good defence to prove that compliance with subsection (1)(a) or (b) above (whichever is applicable) would have injuriously interfered with the machinery or water power of the mill.
- (4) In this section, 'mill sluices' means the sluices which admit water to a mill.
- (5) This section does not apply to the Isle of Man Water and Sewerage Authority.⁴⁹

*Abstraction of water from rivers and lakes***38 Gratings**

- (1) Where any cut, leat or channel is made or opened from any waters by any person after the date on which this section takes effect for any purpose by which fish are liable to be diverted from those waters, the Department may direct that person and his successors in title to place and maintain, at his or, as the case may be, their own cost, gratings across the cut, leat or channel at such place and in such manner and position as may be approved by the Department.⁵⁰
- (2) If any person to whom any directions under subsection (1) above are given fails, without lawful excuse, to comply with those directions, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.
- (3) The obligations imposed by any directions under subsection (1) above shall not be in force during such period (if any) in each year as may be specified in the directions.
- (4) Subsections (1) to (3) above shall apply to any cut, leat or channel made or opened before this section takes effect subject, unless provision to the contrary is contained in a fish culture licence relating to the cut, leat or channel, to the modification that any grating placed and maintained in accordance with directions under that subsection shall be placed and maintained at the expense of the Department.⁵¹
- (5) Any person who, without lawful excuse, injures or removes any grating placed in any place in pursuance of directions under subsection (1) above shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.
- (6) In this section, 'channel' includes a pipe, culvert and any other similar device.

39 [Repealed]⁵²*Interpretation***40 Interpretation of Part III**

[NI/1969R/61]

In this Part, "mill" includes any factory, machine, building or other work by or for which water is taken or used for any purpose.

PART IV – REGULATION OF FISHING FOR SALMON AND FRESHWATER FISH

Prohibition of certain methods of fishing

41 Penalty for using certain devices for taking fish

[NI/1969R/62]

- (1) If, for the purpose of taking any fish, any person uses or has in his possession or control, in or on the bank of, or near the waters of, any lake, river or estuary, any light or fire or any electrical or acoustical apparatus of any kind, he shall be guilty of an offence.
- (2) If, for the purpose of taking any fish, any person uses or has in his possession or control, in or on the bank of, or near the waters of, any lake, river or estuary, any instrument to which this subsection applies, he shall be guilty of an offence.
- (3) If any person throws, releases or discharges any missile or other object into any waters, or probes with any stick or other instrument in any waters, for the purpose of taking or killing, or facilitating the taking or killing, of any salmon or trout, he shall be guilty of an offence.
- (4) In subsection (2) above, ‘instrument to which this subsection applies’ means any otter, tailer or snare, spear, stroke-haul, gaff or other instrument of a similar kind, or any instrument or device calculated in the course of normal use to foul-hook any fish.
- (4A) If, for the purpose of taking any fish any person uses or has in his possession or control, in or on the bank of, or near the waters of, any river or estuary –
 - (a) any type of diving suit or any part thereof; or
 - (b) any snorkel, mask or other item of diving equipment,he shall be guilty of an offence.⁵³
- (4B) If, for the purpose of taking any fish contrary to any provision of this Act, any person uses or has in his possession or control, in or on the bank of, or near the waters of, any river or estuary, any waders or similar clothing, which enable a user to wade in water above waist height, he shall be guilty of an offence.⁵⁴
- (5) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.⁵⁵

42 Fishing for salmon or trout by cross lines

[NI/1969R/63]

If any person takes or fishes for salmon or trout by means of cross lines in any river he shall be guilty of an offence.

43 Penalty for damming or teeming river or mill-race for purpose of taking salmon or trout

NI/1969R/65

If any person dams, teems or empties any river or mill-race for the purpose of taking or destroying any salmon or trout, he shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.

*Prohibition of nets, fishing weirs and fixed fishing engines with certain exceptions***44 Restrictions on use of nets**

[NI/1969R/71]

- (1) Save as is permitted by or under subsection (2) below, it shall not be lawful for any person to use any net in any waters, except under and in accordance with the terms and conditions of a permit granted by the Department.⁵⁶
- (2) Subsection (1) above shall not apply to —
 - (a) the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line; or
 - (b) the lawful use of a net solely for the purpose of removing fish from traps in a lawful fishing weir; or
 - (c) the lawful use of a lawful fixed engine; or
 - (d) the lawful use of a net for any other purpose which may be prescribed.
- (3) Any person who uses a net in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.

45 Restrictions with respect to fishing weirs and fixed fishing engines

[NI/1969R/73(1) and (2)]

- (1) It shall not be lawful for any person to erect or use in any waters any fishing weir or a fixed engine of any description, except under and in accordance with the terms and conditions of a permit granted by the Department.⁵⁷

- (2) Any person who erects or uses a fishing weir or fixed engine in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.

Other provisions

46 Restriction on possession of unlawful fishing engines, etc

[NI/1969R/87]

- (1) It shall not be lawful for any person to have in his possession or control in any waters, or on or near the banks of any waters, any fishing engine or lure or bait, if the use of that engine, lure or bait in those waters for the purpose of taking fish is unlawful.
- (2) Any person who has, without reasonable excuse, in his possession or control any fishing engine or lure or bait in contravention of this section shall be guilty of an offence.

47 Taking salmon or trout unlawfully killed or found dead

[NI/1969R/88]

- (1) A person who by any means removes or causes to be removed from any waters —
- (a) any salmon or trout which has been injured or killed otherwise than by lawful means; or
 - (b) any salmon or trout which has been found dead, from any cause whatever, by that person,
- shall be guilty of an offence.
- (2) Subsection (1) above shall not apply to any of the following persons —
- (a) any officer of, or person acting under the authority of, the Department; or⁵⁸
 - (b) any owner of a fishery in those waters; or
 - (c) any agent of the owner of a fishery in those waters; or
 - (d) any constable; or
 - (e) any environmental health officer.⁵⁹
- (3) Where a person is charged with an offence under this section in respect of any fish, it shall be a good defence to prove that he removed the fish from any waters, or caused it to be so removed, solely for the purpose of delivering it to a person designated in any of paragraphs (a) to (e) of subsection (2) above, and that he did so deliver it as soon as possible.

PART V – TIMES OF FISHING FOR SALMON AND TROUT

48 Annual close seasons

[NI/1969R/89]

In this Act, ‘the annual close season’ means, in relation to any species of fish, the period during which it is declared by regulations to be unlawful to fish for, take or kill that species of fish.

49 Penalties for fishing during the annual close season

[NI/1969R/90]

- (1) If any person fishes for, or intentionally takes or kills, any fish during the annual close season for that species of fish, he shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.
- (2) This section shall not apply to the fishing for, taking or killing of fish in any fish farm with respect to which a fish culture licence is in force, in accordance with the conditions of that licence.

PART VI – RESTRICTIONS ON DEALINGS IN SALMON AND TROUT

50 Prohibition of sale, etc, of salmon or trout unlawfully captured

[NI/1969R/110]

- (1) Subject to the succeeding provisions of this section, any person who buys, sells, offers or exposes for sale, or has in his possession, any salmon or trout unlawfully captured shall be guilty of an offence under this Part.
- (2) In any proceedings under this section, the onus of proving that the salmon or trout, the subject of the proceedings, was lawfully captured shall lie on the defendant.
- (3) Where a person, being a common carrier, is charged with the offence of having in his possession any salmon or trout unlawfully captured, it shall be a good defence for him to prove —
 - (a) that he had the salmon or trout in his possession as a common carrier and not otherwise; and
 - (b) that, at the time at which the salmon or trout was accepted by him for carriage, the consignor delivered to him a certificate in writing signed by the consignor to the effect that the salmon or trout was lawfully captured.
- (4) Where a person is charged with an offence under subsection (1) above in relation to a salmon or a trout and he satisfies the court that —

- (a) he had no reason to suppose the fish to have been unlawfully captured; and
 - (b) he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence,
- the complaint against that person shall be dismissed.
- (5) If a person, in a certificate signed by him and delivered to a common carrier under subsection (3)(b) above, knowingly or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence under this Part.

51 Prohibition of purchase, sale, etc, of salmon and trout at certain times

[NI/1969R/111]

- (1) Any person who buys, sells, offers or exposes for sale, or has in his possession for sale, any salmon or trout at any time during the period commencing two days after the beginning of the annual close season and ending at the end of that season shall be guilty of an offence under this Part.
- (2) Subsection (1) above shall not apply to any person buying, selling, offering or exposing for sale or having in his possession for sale any fish of a kind mentioned in that subsection which he proves was supplied by –
- (a) a person who was, or whom he believed on reasonable grounds to be, the holder of a fish culture licence; or
 - (b) the Department.⁶⁰
- (3) For the purposes of this section, if any salmon or trout is found at any place owned or occupied by any person, or on or in any vehicle owned or used by him, that person shall, until the contrary is proved, be deemed to have that salmon or trout in his possession for sale.

52 Penalties for offences under Part VI

[NI/1969R/123]

Any person guilty of an offence under any provision of this Part shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.⁶¹

PART VII – MISCELLANEOUS OFFENCES

53 Obstructing persons lawfully fishing

[NI/1969R/160]

If any person unlawfully obstructs any person lawfully engaged in fishing or in proceeding to, or in returning from, lawful fishing, such first-mentioned person

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

54 Placing fishing engine with intent to prevent fish entering any other fishing engine lawfully set

[NI/1969R/162]

If any person wilfully and maliciously places any fishing engine with intent to prevent fish from entering the fishing engine of any other person set and placed in a lawful manner, such first-mentioned person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

55 Unauthorised fishing in private waters

[NI/1969R/165]

- (1) If any person kills, takes or destroys, or attempts to kill, take or destroy, any fish in any private waters without the authority of the owner or occupier thereof, he shall be guilty of an offence.
- (2) In this section, 'private waters' includes any waters in private ownership and any reservoir, whether owned privately or vested in a local authority or in the Isle of Man Water and Sewerage Authority.⁶²

PART VIII - AUTHORISED PERSONS

Definitions

56 Definitions for purposes of Part VIII

[NI/1969R/166(1)]

In this Part —

“**authorised person**” means a person being —

- (a) a constable; or
- (b) an officer of the Department; or⁶³
- (c) a private water bailiff;

“**officer of the Department**” means the inspector or a watcher;⁶⁴

“**private water bailiff**” means a water bailiff appointed under section 58 of this Act.

Provisions with respect to particular classes of authorised persons

57 Restrictions on powers of constables and officers of the Department

[NI/1969R/167(2) and 168]

- (1) Subject to subsection (2) below, no constable or officer of the Department shall enter upon any land or waters for the purpose of enforcing the fishing rights of any owner or occupier thereof, or of any person in whom fishing rights are vested.⁶⁵
- (2) Subsection (1) above shall not apply in any case where the fishing rights in question are rights of the Department or of any other Board of Tynwald, or of any Statutory Board, or where the entry is made in connection with an offence, or a suspected offence, under any enactment, including this Act.⁶⁶

58 Appointment, etc, of private water bailiffs

[NI/1969R/170]

- (1) Any of the following persons, namely –
 - (a) any person who, by virtue of any fishing rights in any lake or river, has an interest in the preservation of the fish therein; or
 - (b) any persons who have united themselves into a society for the preservation of any fishery in any lake or river,may by instrument in writing in a form approved by the High Bailiff appoint any person (other than a person disqualified under subsection (7)) below to be a private water bailiff for the protection of the fisheries in any such lake or river, or the tributaries thereof.
- (2) A person appointed to be a private water bailiff shall not act in that capacity until his appointment is confirmed by a court of summary jurisdiction.⁶⁷
- (3) A person making application under subsection (2) above for confirmation of the appointment of a person as a private water bailiff shall, not less than fourteen days before the date of the hearing of the application, give notice in writing of the application to the Department and to the Chief Constable; and the Department and the Chief Constable shall be entitled to appear before the court, be heard and adduce evidence on the hearing of the application, and the Department may do so by an officer of the Department or by an advocate and the Chief Constable may do so by a constable.⁶⁸
- (4) The confirmation of the appointment of a person as a private water bailiff shall be effected by the clerk of the court endorsing the instrument of appointment.
- (5) Where a court of summary jurisdiction has confirmed the appointment of a person to act as a private water bailiff, the court, upon complaint made

to it, may, if it is satisfied that the person so appointed is not a fit and proper person to hold the appointment, revoke the appointment, and, thereupon, the appointment shall be terminated.⁶⁹

- (6) When the appointment of a person to be a private water bailiff is confirmed by a court of summary jurisdiction under subsection (4), or revoked under subsection (5) above, the clerk of the court shall notify the Department of such confirmation or revocation as soon as practicable.⁷⁰
- (7) An officer of the Department shall be disqualified for appointment as a private water bailiff.⁷¹
- (8) If any person —
 - (a) acts as a private water bailiff without having his appointment confirmed under subsection (4) above; or
 - (b) so acts after his appointment has been revoked either by a court under subsection (5) above or by his employer,he shall be guilty of an offence.
- (9) The powers conferred by this Part on a private water bailiff shall be exercisable only for the protection of the fishery specified in his instrument of appointment.

59 Warrant for exercise of powers

[NI/1969R/171]

The production by an officer of the Department or a private water bailiff of the instrument of his appointment shall be a sufficient warrant for his exercising the authority conferred on him by this Part, but the production of that instrument shall not be necessary unless he has been first required to produce it.⁷²

Powers

60 General powers of authorised persons

[NI/1969R/172]

- (1) An authorised person may, for the purposes of the protection of the fisheries, at any time —
 - (a) enter into and pass through or along, or remain on the banks or borders of, any lakes or rivers or of the tributaries thereof;
 - (b) with boats or otherwise, enter upon any such lakes or rivers;
 - (c) enter upon and examine all weirs, sluices, mill dams, fish passes, mill-races and watercourses communicating with such lakes or rivers, and pass along the same;
 - (d) stop, enter and search any boat which has been or is engaged, or is about to engage, in fishing;
 - (e) examine all standing, floating or other nets whatsoever;

- (f) examine all fish and all fishing engines found in any place which by this Act he is authorised to enter, and for that purpose open any package found in such place and containing, or suspected of containing, any fish or fishing engine;
 - (g) seize any unlawful fishing engine or any lawful fishing engine which is being unlawfully used;
 - (h) seize any fish in the possession of a person found or suspected of committing an offence under any enactment relating to fisheries or any fish which have been, or are suspected of having been, unlawfully captured;
 - (i) seize any other thing whatsoever by means of, or in relation to, which an offence under any provision of this Act has been, or is suspected of having been committed;
 - (j) do all such other acts and things as he is authorised to do under this Act.
- (2) Nothing in this section shall be construed as authorising any person to enter any enclosed garden or any dwelling house or the curtilage thereof except where the ordinary road or passage to any weir, dam or dyke traverses such garden or curtilage.
- (3) In this section, 'suspected' means suspected on reasonable grounds.

61 Power of justice of the peace to grant warrant to enter certain places

[NI/1969R/173]

- (1) Where, upon a sworn complaint in writing, it appears to any justice of the peace that there are reasonable grounds for believing that a breach of the provisions of this Act or any regulation has been committed within any enclosed garden or any dwelling house or the curtilage thereof, or within any other premises whatsoever, he may, by warrant under his hand, empower an authorised person to enter that garden or dwelling house or the curtilage thereof or, as the case may be, those other premises at such time in the day or night as may be mentioned in the warrant.
- (2) A warrant under this section shall not continue in force for more than seven days from the date thereof.

62 Boarding and examination of boats

[NI/1969R/174/(1)]

Any authorised person may do, with respect to any boat employed in fishing, all or any of the following things —

- (a) board the boat;
- (b) seize any unlawful fishing engine or any lawful fishing engine unlawfully used and any fishing gear appurtenant to, or used in association with, any such engine.

63 Apprehension of offenders

[NI/1969R/176]

- (1) If any person (in this section referred to as 'the alleged offender') is found offending against any provision of this Act —
 - (a) an authorised person may require the alleged offender to desist from the offence and to give his name and address; and
 - (b) if the alleged offender after being so required, wilfully continues the offence or refuses or fails to give his name and address, the authorised person and any person acting under his directions may arrest the alleged offender.
- (2) Where the alleged offender is arrested under this section by an authorised person who is not a constable, that person shall forthwith deliver the alleged offender into the custody of a constable to be dealt with according to law.
- (3) Where the alleged offender resides outside the Island, he may be detained by a constable until a summons charging him with the relevant offence has been served upon him, and, after the service of the summons, he may be further detained until he enters into a recognizance, with such sureties or other security as, subject to subsection (4) below, the justice of the peace or other person before whom the recognizance is entered into thinks fit, conditioned for his appearance at the time and place stated in the summons; and any such summons may, notwithstanding anything in any enactment, be served on a Sunday.
- (4) The amount in which any party to a recognizance taken under subsection (3) above is bound, or the amount of any security required to be deposited under that subsection in lieu of sureties, shall not be greater than the amount of any fine which could be imposed on the alleged offender if he were convicted of the relevant offence.

64 Powers in relation to fishing engines, etc

[NI/1969R/177]

Without prejudice to any other provision of this Act, where an authorised person finds —

- (a) during the annual close season —
 - (i) any passage in any fishing engine or contrivance closed or obstructed; or
 - (ii) any fishing engine or any contrivance whatsoever placed or used in contravention of this Act or any public document made thereunder; or
- (b) at any time, any obstruction in the waste gate appurtenant to any mill or factory when such waste gate is required by law to be open,

he may open such passages and remove such obstructions, doing no unnecessary damage, and seize and remove all things so found or used contrary to the provisions of this Act or any public document made thereunder.

65 Powers of inspection, examination and detention

[NI/1969R/178]

- (1) A constable or an officer of the Department (in this section referred to as an 'authorised officer') is hereby authorised to do all or any of the things specified in Schedule 3 to this Act.⁷³
- (2) Where an authorised officer detains in his custody under the authority of this section any particular thing, he shall, as soon as conveniently may be, take such steps as may be proper to have the person guilty, or suspected to be guilty, of the offence committed, or suspected to have been committed, in relation to that thing dealt with according to law.
- (3) A person who refuses or fails to give his own name and address or the name and address (so far as known to him) of any other person, when lawfully demanded under this section, shall be guilty of an offence.
- (4) This section shall not authorise entry into any premises which are used exclusively as a private dwelling.
- (5) In this section —

'believed' and 'suspected' mean respectively believed on reasonable grounds and suspected on reasonable grounds;

'this section' includes Schedule 3 to this Act.

66 Persons using, etc, fishing engines to produce fishing licence therefor on demand

[NI/1969R/179]

- (1) If any person using at any place a fishing engine for which a licence or permit 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 the licence or permit by, or by virtue of which, he is authorised to use that fishing engine at that place, he shall be guilty of an offence.
- (2) Where a person is charged with an offence under this section consisting of a failure to produce a licence or permit for a fishing engine to which subsection (1) above applies, being a fishing engine in his possession, it shall be a good defence to prove that he had the fishing engine in his possession as a manufacturer or seller thereof and not for the purpose of using it or of permitting any other person to do so.
- (3) A person shall not be charged with an offence under this section consisting of a failure to produce a licence or permit for a fishing engine in any of the circumstances referred to in subsection (1) above if, upon

demand being made by an authorised person for the production of a fishing licence under that subsection, the first-mentioned person —

- (a) then and there gives to the authorised person his name and address and any evidence of his identity then available; and
 - (b) as soon as practicable thereafter, and in accordance with any reasonable requirement then communicated to him by the authorised person, produces to the authorised person or to any other person designated by him —
 - (i) a licence or, as the case may be, a permit authorising the first-mentioned person to use the fishing engine at that place and time; and
 - (ii) evidence of the identity of the first-mentioned person.
- (4) A person who is guilty of an offence under subsection (1) above by reason of a contravention of that subsection which consists only of the use or possession of a rod and line shall be liable on summary conviction to a fine not exceeding £500.

67 Procedure for disposal of boat or fishing engine seized in certain cases

[NI/1969R/180]

Where a person, in exercise of powers conferred on him by this Act, seizes any boat or any fishing engine and no person is charged with an offence under any provision of this Act in relation thereto, the first-mentioned person shall, as soon as may be, apply to a court of summary jurisdiction for an order for its disposal under this section, and, thereupon, the following provisions shall have effect —

- (a) if, in the case of a boat, the court finds that, at the time of its seizure, it had been, was being or was about to be used for a purpose which under this Act is unlawful, the court may order it to be forfeited;
- (b) if, in the case of a fishing engine, the court finds that it is a fishing engine the use of which is prohibited by law, the court may order it to be forfeited and destroyed;
- (c) if, in the case of a fishing engine, the court finds that it is a lawful fishing engine which, at the time of its seizure, had been, was being or was about to be unlawfully used, the court may order it to be forfeited;
- (d) in any case where the court does not make an order of forfeiture, it shall order the boat or fishing engine to be returned to the person who appears to the court to be the owner thereof.⁷⁴

68 Procedure for disposal of fish seized or detained

[NI/1969R/181]

- (1) Where, in the exercise of the powers conferred by section 60 or 65 of this Act, a person seizes or detains any fish and the fish is likely to become unfit for human food before the matter can conveniently be dealt with by a court, the succeeding provisions of this section shall have effect.
- (2) If the fish is a fish that may for the time being be lawfully taken, bought and sold, having regard to its kind, size and condition and the season of the year (in this section referred to as 'lawful fish'), the person seizing or detaining the fish shall, in accordance with any directions given to him by the Department, sell the fish, unless by virtue of an instruction given to him by the Department on any occasion, or in accordance with the terms of any general authorisation in writing given to him by the Department, he is permitted or required to dispose of it in some other manner.⁷⁵
- (3) If the fish is not lawful fish, the person shall destroy or otherwise dispose of it in accordance with any instruction or authorisation such as is referred to in subsection (2) above.
- (4) When a person proposes to sell, destroy or otherwise dispose of any fish in pursuance of subsection (2) or (3) above, he may produce the fish to a justice of the peace, and the justice of the peace may give to the person producing the fish a certificate in writing describing the fish and any marks, peculiarities or other particulars thereof pointed out to him by that person.
- (5) A certificate given by a justice of the peace under subsection (4) above shall be prima facie evidence of all matters of fact such as are described in that subsection as are stated in the certificate.
- (6) Any sum of money representing the proceeds of sale of fish sold by a person under subsection (2) above shall forthwith be paid by that person to the Department, and —
 - (a) where no person is charged with an offence under any provision of this Act in relation to the fish, any such sum shall be disposed of as the Department may direct;⁷⁶
 - (b) where some person is charged with such an offence and is acquitted, a sum equal in amount to the net proceeds of sale of the fish shall be paid to that person by the Department;⁷⁷
 - (c) where some person is convicted of such an offence, a sum equal in amount to the net proceeds of sale of the fish shall be applied by the Department, in accordance with section 79 of this Act, in the same manner as if the fish had been sold under that section.⁷⁸

*Protection of authorised persons***69 Penalty for assaulting authorised person**

[NI/1969R/182]

Any person who assaults —

- (a) any person exercising any power conferred by this Part; or
- (b) any officer of the Department whilst doing any thing authorised by section 33(5) or 34(2) of this Act, or by such regulations (if any) as may be prescribed; or⁷⁹
- (c) any officer acting under regulations made pursuant to paragraph 4 of Schedule 2 to this Act,

shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.

70 Obstructing or impeding authorised person

[NI/1969R/183]

Any person who intentionally obstructs or impedes —

- (a) any person exercising any power conferred by this Part; or
- (b) any officer of the Department whilst doing any thing authorised by section 33(5) or 34(2) of this Act or under such regulations (if any) as may be prescribed; or⁸⁰
- (c) any officer acting under regulations made pursuant to paragraph 4 of Schedule 2 to this Act,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

71 Giving warning to persons unlawfully fishing

[NI/1969R/184]

If any person intentionally makes or causes to be made, or aids or assists in making, any signal or warning to any person engaged in fishing unlawfully of the approach of an authorised person, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

72 Indemnification of authorised persons

[NI/1969R/185]

An authorised person shall not be liable for any loss or damage occasioned by or in the course of the exercise of any of the powers conferred on him by this Act unless such loss or damage was caused by him wantonly or maliciously.

PART IX – SUPPLEMENTAL PROVISIONS

General considerations

73 Preservation of amenity

[NI/1969R/185A]

In the exercise of its functions under this Act, the Department shall have regard to the following matters, that is to say, the desirability of —

- (a) preserving natural beauty or amenity;
- (b) conserving flora, fauna and geological or physiographical features of special interest;
- (c) protecting buildings and other objects of architectural or historic interest,

in so far as those matters are capable of being affected by that exercise.⁸¹

Legal Proceedings

74 Complaints

[NI/1969R/186]

A complaint charging the commission of a summary offence under any provision of this Act may be heard and determined by a court of summary jurisdiction whether or not the complainant is an authorised person for the purposes of Part VIII of this Act.

75 Additional defence for persons charged with buying, etc, undersized fish

[NI/1969R/192]

- (1) Where, under any provision of this Act, a person is charged with the offence of buying, selling, offering or exposing for sale or, as the case may be, having in his possession or having in his possession for sale any undersized fish, and he satisfies the court —
 - (a) that he had no reason to suppose that any fish dealt with by him as described in this subsection were undersized fish; and
 - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or by any person under his control,the charge against that person shall be dismissed.
- (2) In subsection (1) above, ‘undersized’, in relation to salmon or trout, means of a size less than the size prescribed with respect thereto by section 31(2) of this Act.

*Forfeitures***76 Forfeiture of boat, fishing engine, etc, as statutory consequence of conviction**

[NI/1969R/195]

- (1) Subject to subsection (2) below, where a person is convicted of an offence under any provision of this Act, any fish illegally either taken by him or in his possession at the time of the offence and also any boat and any fishing engine or other thing whatsoever by means or in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.
- (2) Subsection (1) above shall not apply —
 - (a) to a vehicle; or
 - (b) if the court so orders, to any boat or thing other than fish or the fishing engine.
- (3) Where more than twenty per cent. by weight of the fish contained in any package are undersized fish, all the fish contained in that package shall, for the purposes of determining under subsection (1) above whether they were illegally taken or are illegally in any person's possession, be deemed to be undersized fish.
- (4) In subsection (3) above, 'undersized' has the same meaning as in section 75(2) of this Act.

77 Non-obligation of court to pronounce or record forfeiture

[NI/1969R/196]

Where, as a statutory consequence of a conviction under this Act, a particular thing stands forfeited, then, notwithstanding any enactment or rule of law, it shall not be necessary for the court —

- (a) to pronounce the fact of such forfeiture at the time of adjudication; or
- (b) to record the fact of such forfeiture in the Order Book or in the order of conviction.⁸²

78 Power of court to order forfeiture of vehicle

[NI/1969R/197]

Where a person is convicted of an offence under any provision of this Act, application may be made in accordance with rules of court to a court of summary jurisdiction for an order that any vehicle used by him as an aid to the commission of the offence shall be forfeited.⁸³

79 Disposal of forfeitures

[NI/1969R/198]

Where any thing is forfeited under this Act, and an order for its destruction is not made under section 67(b) of this Act, the person by whom it was seized or any other person in whose custody it is shall, before the expiration of a period of fourteen days from the date of the order by, or the conviction in consequence of, which it was forfeited, apply to the Department for a direction as to the disposal of that thing, and, whether or not such an application is made, the Department may direct that it be sold or otherwise disposed of in such manner as the Department thinks fit, or be returned to the person who appears to the Department be the owner.⁸⁴

80 Forfeiture of licences, etc

[NI/1969R/200]

- (1) If the person who is the holder of a licence issued by the Department is convicted of an offence under any provision of this Act, the court shall direct the licence to be forfeited and declare that person to be disqualified for holding a licence of the same kind for a period of one year in the case of a first conviction and five years in the case of a second or subsequent conviction.⁸⁵
- (2) If a person who is not the holder of a licence is convicted of an offence under any provision of this Act, the court shall declare that person to be disqualified for holding a licence for a period of one year in the case of a first conviction and five years in the case of a second or subsequent conviction.⁸⁶
- (3) Where a licence is directed to be forfeited under subsection (1) above, it shall thereupon cease to be in force.
- (4) Where a person is convicted by a court of an offence against this Act, the clerk of the court shall, as soon as may be, forward to the Department a duly authenticated certificate of the conviction.⁸⁷
- (5) In this section, 'licence' means a fishing licence and, for the purposes of this section, regulations may specify the classes of fishing licence which are to be deemed to be licences of the same kind.

*Penalties***81 Penalties for offences**

[NI/1969R/201]

- (1) A person who commits an offence under any provision of this Act for which a penalty is not provided by any provision of this Act other than this section shall be liable on summary conviction to a fine not exceeding £1,000.

- (2) The Department may prescribe lower penalties for breach of a particular regulation than the penalty provided under subsection (1) above, and that subsection shall, in any such case, be construed as if such lower penalties were substituted for that so provided.⁸⁸

Expenses

82 Recovery and evidence of expenses

[NI/1969R/205]

Where, under this Act, the Department is authorised to recover from any person the expenses of any work, the amount of any expenses reasonably incurred in connection with that work shall be recoverable by the Department from that person as a civil debt.⁸⁹

Interpretation

83 Interpretation

[NI/1969R/206]

- (1) In this Act, unless the context otherwise requires —

“**angle for salmon or trout**” means angle for salmon or trout with rod and line;

“**annual close season**” has the meaning given to it by section 48 of this Act;

“**the Board**” [Repealed]⁹⁰

“**boat**” includes any vessel;

“**dam**” means a dam, weir, dyke, sluice, embankment or structure built or placed in, or in connection with, any river for or in connection with the sustaining of water for any purpose, but does not include an embankment erected solely to prevent erosion of the banks of the river or to protect adjacent land from flooding;

“**deleterious matter**” means any substance (including an explosive and an anaesthetic), the entry or discharge of which into any waters is liable —

- (a) to render those or any other waters poisonous or injurious to fish, spawning grounds or the food of any fish; or
- (b) to injure fish in their value as human food; or
- (c) to impair the usefulness of the bed and soil of any waters as spawning grounds or their capacity to produce the food of fish;

“**the Department**” means the Department of Environment, Food and Agriculture;⁹¹

“**estuary**” does not include any part of an estuary which is situate in the sea;

“**financial year**” means a year ending on the 31st March;

“**fish culture licence**” has the meaning given to it by section 8(1) of this Act;

“**fish pass**” means a channel for the free run or migration of fish in, over or in connection with an obstruction in a river, lake or watercourse and includes a fish ladder or any other contrivance which facilitates the passage of fish;

“**fisheries**” includes all fisheries other than sea fisheries;

“**fishing**” does not include sea fishing;

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

“**fishing licence**” means a fishing licence issued by the Department under Part II of this Act;⁹²

“**fishing weir**” means any erection, structure or obstruction, fixed to the soil across, or partly across, a river and incorporating one or more openings wherein fish may be taken which is used for the purpose of taking, or facilitating the taking of, fish, but does not include a fixed engine;

“**fixed engine**” means —

- (a) any stake, bag, stop and still or fixed draft net; or
- (b) any net, implement, engine or device —
 - (i) fixed to the soil; or
 - (ii) secured by anchors; or
 - (iii) held by hand; or
 - (iv) made stationary in any other way, and used solely for the purpose of taking, or facilitating the taking of, fish, not being a fishing weir, or a rod and line (however used);

“**freshwater fish**” means any fish (other than salmon) living in any waters;

“**the inspector**” has the meaning given to it by section 2(1) of this Act;

“**lake**” includes a pond, pool and reservoir;

“**lawful fishing engine**” means any fishing engine the use of which (except during particular times, in particular places or in a particular manner) is not prohibited by or under this Act;

“**net**” includes all descriptions of nets, and all other engines or devices, of whatsoever construction or materials, or howsoever known or styled, which are used for the taking of fish;

“**owner**”, in relation to land, has the meaning given to it in section 3 of the *Local Government Consolidation Act 1916*;

“**package**” includes any tank or other container;

“**regulation**” means a regulation made by the Department under section 14 of this Act;⁹³

- “**salmon**” includes sea trout;
- “**sea**” includes the coast up to the high water mark, and “**sea fishing**” shall be construed accordingly;
- “**sea-fishery**” means a sea fishery situate within a sea-fisheries district;
- “**sea-fisheries district**” means the territorial waters of the Island;⁹⁴
- “**stake net**” includes a stake weir and any fixed engine of similar construction to a stake net;
- “**substance**” includes any liquid or gas;
- “**trout**”, when used without any qualification, includes all fish of the brown trout and rainbow trout kind, but does not include sea trout;
- “**unseasonable**” when used with respect to any fish means a fish which is about to spawn, or which has spawned and has not recovered from spawning;
- “**watcher**” has the meaning given to it by section 3(1) of this Act;
- “**waters**” includes any river, lake, pond, pool, watercourse or estuary, but does not include any part of the sea.
- (2) References in this Act to a fish or to any kind of fish shall be construed as including —
- (a) references to part of a fish or to part of a fish of that kind; and
 - (b) references to the spawn, fry, brood or young of fish or of fish of that kind.
- (3) Where an order under section 13 of this Act defines the mouth of a river, the mouth of a tributary river, the boundary between the tidal and freshwater portions of a river, the point or points to or from which distances are to be measured or any areas within which it is prohibited to use or practice certain methods of fishing, such mouth, boundary, point or points, or areas shall, for all purposes of and all proceedings under this Act, be as so defined for the time being.
- (4) References in any provision of this Act which relates to the buying, selling, offering or exposing for sale or having possession of fish of any kind to fish of that kind shall not be construed as including references to fish of that kind which have been dried, or which have been preserved in tins or other containers, or which are proved to have been lawfully imported or removed into the Island.
- (5) References in section 51 of this Act to the buying, selling, offering or exposing for sale or having possession for sale, or possession, of fish of any kind during any particular period shall not be construed as including references to the buying, selling, offering or exposing for sale or having possession for sale, or possession, of fish of that kind which have been lawfully taken or killed outside that period and preserved by freezing.

- (6) Any reference in this Act to an offence under a provision of this Act shall include a reference to an offence under any regulation.

84 Transitional and saving provisions

The transitional and saving provisions in Schedule 4 to this Act shall have effect.

85 [Repealed]⁹⁵

86 Short title and construction

- (1) This Act may be cited as the Inland Fisheries Act 1976.
- (2) This Act shall, subject to subsection (3) below, come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.
- (3) This section shall take effect on the coming into operation of this Act and the remaining provisions of this Act shall take effect on such day or days as the Board may by order appoint, and different dates may be so appointed under this subsection for different purposes.⁹⁶

SCHEDULE 1**SUSPENSION AND REVOCATION OF FISH CULTURE LICENCES**

Section 8(6) [NI/1969R/Sch1]

1. Where the Department has reason to suspect that the holder of a licence has contravened any of the provisions of this Act relating to the fishery or any such provision of any regulation, or any condition of the licence, the Department may, pending investigation of the suspected contravention and on giving notice in writing to the holder specifying the suspected contravention, suspend the licence.⁹⁷
2. When a licence is suspended under paragraph 1 above, the Department shall, within a period of twenty-eight days from the date of the suspension, either remove the suspension or revoke the licence under paragraph 3 below.⁹⁸
3. The Department may revoke a licence where it is satisfied that the holder of the licence has contravened —
 - (a) any of the provisions of this Act relating to the fishery or, as the case may be, the fixed engine or fishing weir with respect to which the licence was issued, or any such provision of any regulation; or
 - (b) any condition of the licence,or has, in his application for the licence, made a statement which is false in any material particular.⁹⁹
4. Where the Department proposes to revoke a licence, other than a licence suspended under paragraph 1 above, the Department shall give the holder of the licence at least twenty-eight days' prior notice of its intention to do so and of the grounds upon which the revocation is proposed to be made; and, before revoking the licence, the Department shall consider any representations in relation thereto made by the holder before the expiration of the notice.¹⁰⁰
5. Where the Department revokes a licence, it shall send by post a notice of the revocation to the person whose licence has been revoked, and the notice shall inform that person of his right of appeal under paragraph 6 below, and of the time within which the appeal may be brought.¹⁰¹
6. A person whose licence has been revoked under paragraph 3 above may, within twenty-eight days from the date on which a notice under paragraph 5 above is served on him, appeal to the court of summary jurisdiction on the ground that there has not been any contravention or false statement such as is described in paragraph 3 above or that the contravention or false statement was inadvertant or was of such a trivial or insignificant nature that the licence should not be revoked.¹⁰²

7. A court of summary jurisdiction, in deciding an appeal brought under paragraph 6 above, shall state the reasons for its decision, and its decision shall be final.
8. When a licence is suspended or revoked, the person who was the holder of the licence shall, within fourteen days of receiving a request for its return to the Department, return the licence to the Department together with any copies thereof issued to him by the Department, and, if he fails to do so, he shall be guilty of an offence.¹⁰³
9. In this Schedule, “**licence**” means a fish culture licence.

SCHEDULE 2

MATTERS IN RESPECT OF WHICH REGULATIONS MAY BE MADE UNDER SECTION 14

[NI/1969R/17(1), 19(1), 26(1) and 37]

[Sections 14, 69(c), 70(c) and 83(1)]

1. The records to be kept and the returns to be made by holders of fishing licences.
2. The persons to whom, the times at which and the forms in which such returns are to be made.
3. The heads under which particulars are to be included in such records and returns.
4. Such matters with respect to those records and returns (including the inspection, verification and copying of records by an officer of the Department) as may seem expedient.¹⁰⁴
5. The regulation of fishing and the preservation of good order amongst persons fishing.
6. The times and seasons for the taking of fish, or for any mode of taking fish, and the conditions subject to which fish may be taken.
7. The prohibition of any mode of taking or destroying fish.
8. Without prejudice to sections 44 to 46 of this Act —
 - (a) the times and places at which any fishing engine may be used;
and
 - (b) the description of any fishing engine which may be used.
9. The size (whether determined by measurement or by weight) of fish which may be taken.

10. The making of applications for, and the issue, alteration, renewal and revocation of fishing licences, whether generally or in specified cases.
11. The form of, and the conditions attaching to, fishing licences.
12. The duties payable in respect of fishing licences.
13. The issue of different classes of fishing licence in respect of any one or more than one kind of fish, or any one or more than one description of fishing engine, specified in the regulations.
14. The prescription of different forms, periods of duration, territorial limitations, terms and conditions, or duties, in respect of different classes of licence and, in the case of different classes of licence, provision that reduced duties may be paid by persons holding a licence of another class.
15. Provisions limiting the number which may be issued of licences of any class specified in the regulations authorising the use of fishing engines, other than rod and line, for the taking of fish in the freshwater portion of any river or lake.
16. The records to be kept and the returns to be made by the holder of any licence to fish with rod and line.
17. Appeals to courts of summary jurisdiction, in accordance with rules of court, against the revocation by the Department of, or the refusal of the Department to issue or renew, fishing licences.¹⁰⁵
18. The prevention of the introduction of disease into, or the spread of disease in, fisheries, or both, in the Island and, in particular, the regulation of the importation and removal of fish into, and the movement of fish in, the Island.
19. The protection of waters from predatory animals.
20. The prohibition of any practice whatsoever tending to impede the lawful capture of fish or to be in any manner detrimental to fisheries.
21. Anything which, under this Act, is required to be, or may be, prescribed or which may be provided for by regulations.
22. Purposes connected with any of the matters specified in paragraphs 1 to 21 above.

SCHEDULE 3**POWERS OF AUTHORISED OFFICER**

[NI/1969R/178(1)(a) to (g)]

Section 65(1) and (5)

1. To stop and search any person conveying or suspected of conveying fish of any kind, or any instrument, poison, explosive or thing used or adapted for taking fish unlawfully and to examine any fish, instrument or substance which that person is found to be conveying, and for that purpose to open and search any vehicle or package in which any fish, instrument or substance is, or is suspected of being, conveyed.
2. At all reasonable times, to enter upon and have free access to the interior of —
 - (a) any premises in which fish is, or is believed to be, sold, or kept or exposed for sale or stored; or
 - (b) any premises in which any instrument or substance intended for the destruction of fish is, or is believed to be, kept; or
 - (c) the premises of any person engaged in the business of carrying goods for reward; or
 - (d) any aerodrome, pier, quay, wharf, jetty or dock, or any premises thereon; or
 - (e) any aircraft, boat, railway wagon, motor lorry, cart or other vessel or vehicle of whatever kind used for the conveyance of goods; or
 - (f) any hotel, guest house, restaurant or other premises or place at which board and lodging or meals are provided for reward.
3. To examine all fish found in any place which he is authorised by this Schedule to enter, and for that purpose to open any package found in such place and containing, or suspected of containing, fish unlawfully captured.
4. To stop, enter, and search, on any waters or the banks thereof, any boat used, or suspected of being used, for fishing or containing, or suspected of containing, fish unlawfully captured, and to examine all fish and all fishing engines or fishing gear found therein, and for that purpose to open any package which contains, or is suspected of containing, any fish or fishing engine or fishing gear.
5. To take, remove and detain in his custody any fish (either together with or without any package in which the same may be contained) found in the course of the exercise of any of the powers conferred by this Schedule in respect of which an offence under this Act is being, or is suspected of being, committed, or which have been, or are suspected of having been, unlawfully captured, or which are, or are believed to be, liable to forfeiture under this Act.



6. To take, remove and detain in his custody any fishing engine, boat, vehicle or thing liable or believed to be liable to forfeiture under this Act.
7. To demand and take the name and address of the person having custody of any fish or other article which the authorised officer is authorised under this Schedule to examine, and also to demand and take from that person the name and address of the owner of the fish or other article.

SCHEDULE 4

TRANSITIONAL AND SAVING PROVISIONS

Section 84

Transitional Provisions

1. The inspector appointed under the Fisheries Act 1927, and every river watcher appointed under that Act, and holding office immediately before sections 2 and 3 of this Act take effect shall be deemed to have been appointed under section 2(1) or, as the case may be, 3(1) of this Act.
2. Any licence issued under or by virtue of any enactment repealed by this Act shall continue in force until it expires or is revoked, whichever first occurs, and shall be deemed to have been granted under the corresponding provision of this Act.
3. Any byelaws made under the said Act of 1927 and in force immediately before section 14 of this Act takes effect shall, in so far as they are not inconsistent with this Act, continue in force until replaced by regulations made under that section, and shall be deemed to be regulations made under that section.

Saving Provisions

4. Nothing in this Act shall prejudice the right of any owner to take materials from any stream.
5. (1) Nothing in this Act shall prejudice the existing rights (if any) of a person who is proved to be the owner of a fishery lawfully possessed as a several fishery 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 that person, or those persons, or in any other person.
(2) In this paragraph, 'existing rights' means rights which were in existence immediately before this paragraph takes effect.
6. Nothing in this Schedule shall prejudice section 10 of the Interpretation Act 1970 (which relates to the effect of repeals).

SCHEDULE 5¹⁰⁶



ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Heading amended by SD155/10 Sch 3.

² S 1 amended by SD155/10 Sch 3.

³ Subs (2) amended by GC121/86.

⁴ Subs (1) amended by GC121/86.

⁵ Subs (2) amended by GC121/86.

⁶ Subs (1) amended by GC121/86.

⁷ Subs (2) repealed by Government Departments Act 1987 Sch 4.

⁸ S 5 amended by GC121/86.

⁹ Subs (1) amended by GC121/86.

¹⁰ Subs (2) amended by GC121/86.

¹¹ Subpara (i) amended by GC121/86.

¹² Subs (1) amended by GC121/86.

¹³ Para (a) amended by GC121/86.

¹⁴ Subs (2) amended by GC121/86.

¹⁵ Subs (1) amended by GC121/86, by Statute Law Revision Act 1997 Sch 2 and by SD155/10 Sch 9.

¹⁶ Para (a) amended by GC121/86.

¹⁷ Subs (4) amended by GC121/86.

¹⁸ Subs (5) amended by GC121/86.

¹⁹ S 9 amended by Treasury Act 1985 Sch 2 and by GC121/86.

²⁰ Subs (1) amended by GC121/86.

²¹ Subs (3) amended by GC121/86.

²² Subs (1) amended by GC121/86.

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- ²³ Subs (3) amended by GC121/86.
- ²⁴ Subs (1) amended by GC192/86, by GC121/86 and by SD155/10 Schs 3 and 11.
- ²⁵ S 13 amended by SD155/10 Sch 5.
- ²⁶ Subs (1) amended by GC121/86.
- ²⁷ Subs (1) amended by GC121/86.
- ²⁸ S 16 amended by GC121/86.
- ²⁹ S 17 amended by GC121/86.
- ³⁰ Subpara (ii) amended by GC121/86.
- ³¹ Para (a) amended by GC121/86. Subpara (iv) amended by GC121/86.
- ³² Subs (2) amended by GC121/86.
- ³³ Subs (3) amended by GC121/86.
- ³⁴ Para (a) amended by GC121/86.
- ³⁵ Para (b) amended by GC121/86.
- ³⁶ S 19 amended by GC121/86. Para (c) amended by GC121/86.
- ³⁷ S 20 amended by GC121/86.
- ³⁸ Para (c) amended by GC121/86.
- ³⁹ S 27 repealed by Water Pollution Act 1993 Sch 3.
- ⁴⁰ Subs (1) amended by Fines Act 1986 Sch 2.
- ⁴¹ Subs (1) amended by SD155/10 Sch 5.
- ⁴² Subs (2) amended by GC190/86.
- ⁴³ Subs (4) amended by GC190/86.
- ⁴⁴ Subs (2) amended by GC121/86.
- ⁴⁵ Subs (3) amended by SD155/10 Sch 5.
- ⁴⁶ Subs (5) amended by GC121/86.
- ⁴⁷ Subs (7) added by Water Act 1991 Sch 8 and amended by SD155/10 Sch 9.
- ⁴⁸ Subs (2) amended by GC121/86.
- ⁴⁹ Subs (5) added by Water Act 1991 Sch 8 and amended by SD155/10 Sch 9.
- ⁵⁰ Subs (1) amended by GC121/86.
- ⁵¹ Subs (4) amended by GC121/86.
- ⁵² S 39 repealed by Water Act 1991 Sch 9.
- ⁵³ Subs (4A) inserted by Fisheries Act 1983 Sch.
- ⁵⁴ Subs (4B) inserted by Fisheries Act 1983 Sch.
- ⁵⁵ Subs (5) substituted by Fisheries Act 1983 Sch.
- ⁵⁶ Subs (1) amended by GC121/86.
- ⁵⁷ Subs (1) amended by GC121/86.
- ⁵⁸ Para (a) amended by GC121/86.
- ⁵⁹ Para (e) amended by Public Health (Amendment) Act 2000 s 12.
- ⁶⁰ Para (b) amended by GC121/86.
- ⁶¹ S 52 amended by Fines Act 1986 Sch 2.
- ⁶² Subs (2) amended by Statute Law Revision Act 1997 Sch 2 and by SD155/10 Sch 9.
- ⁶³ Para (b) amended by GC121/86.



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- ⁶⁴ Definition of ‘officer of the Department’ amended by GC121/86.
- ⁶⁵ Subs (1) amended by GC121/86.
- ⁶⁶ Subs (2) amended by GC121/86.
- ⁶⁷ Subs (2) amended by Statute Law Revision Act 1997 Sch 2.
- ⁶⁸ Subs (3) amended by GC121/86.
- ⁶⁹ Subs (5) amended by Statute Law Revision Act 1997 Sch 2.
- ⁷⁰ Subs (6) amended by GC121/86.
- ⁷¹ Subs (7) amended by GC121/86.
- ⁷² S 59 amended by GC121/86.
- ⁷³ Subs (1) amended by GC121/86.
- ⁷⁴ S 67 amended by Statute Law Revision Act 1997 Sch 2.
- ⁷⁵ Subs (2) amended by GC121/86.
- ⁷⁶ Para (a) amended by GC121/86.
- ⁷⁷ Para (b) amended by GC121/86.
- ⁷⁸ Subs (6) amended by GC121/86. Para (c) amended by GC121/86.
- ⁷⁹ Para (b) amended by GC121/86.
- ⁸⁰ Para (b) amended by GC121/86.
- ⁸¹ S 73 amended by GC121/86.
- ⁸² Para (b) amended by Summary Jurisdiction Act 1989 Sch 6.
- ⁸³ S 78 amended by Statute Law Revision Act 1997 Sch 2.
- ⁸⁴ S 79 amended by GC121/86.
- ⁸⁵ Subs (1) substituted by Fisheries Act 1983 Sch and amended by GC121/86.
- ⁸⁶ Subs (2) substituted by Fisheries Act 1983 Sch.
- ⁸⁷ Subs (4) amended by GC121/86.
- ⁸⁸ Subs (2) amended by GC121/86.
- ⁸⁹ S 82 amended by GC121/86.
- ⁹⁰ Definition of ‘the Board’ repealed by GC192/86.
- ⁹¹ Definition of ‘the Department’ inserted by GC121/86 and amended by SD155/10 Sch 3.
- ⁹² Definition of ‘fishing licence’ amended by GC121/86.
- ⁹³ Definition of ‘regulation’ amended by GC121/86.
- ⁹⁴ Definition of ‘sea-fisheries district’ substituted by Territorial Sea (Consequential Provisions) Act 1991 Sch 1.
- ⁹⁵ S 85 repealed by Statute Law Revision Act 1983 Sch 2.
- ⁹⁶ ADO (whole Act) 10/3/1977 (GC46/77).
- ⁹⁷ Para 1 amended by GC121/86.
- ⁹⁸ Para 2 amended by GC121/86.
- ⁹⁹ Para 3 amended by GC121/86.
- ¹⁰⁰ Para 4 amended by GC121/86.
- ¹⁰¹ Para 5 amended by GC121/86.
- ¹⁰² Para 6 amended by Statute Law Revision Act 1997 Sch 2.
- ¹⁰³ Para 8 amended by GC121/86.

¹⁰⁴ Para 4 amended by GC121/86.

¹⁰⁵ Para 17 amended by GC121/86.

¹⁰⁶ Sch 5 repealed by Statute Law Revision Act 1983 Sch 2.