
STATUTORY INSTRUMENTS

1983 No. 1900 (N.I. 21)

The Fisheries (Amendment) (Northern Ireland) Order 1983

- - - - - 21st December 1983

Title and commencement

1.—(1) This Order may be cited as the Fisheries (Amendment) (Northern Ireland) Order 1983.

(2) Article 5 shall come into operation on such day as the Head of the Department of Agriculture may by order appoint and the remaining provisions of this Order shall come into operation on the expiration of the period of two months from the date on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the principal Act” means the Fisheries Act (Northern Ireland) 1966.

Revision of the functions of the Fisheries Conservancy Board

3. For section 25 of the principal Act there shall be substituted the following section—

“The Fisheries Conservancy Board for Northern Ireland.

25.—(1) There shall be a body called the Fisheries Conservancy Board for Northern Ireland (in this Act referred to as “the Board”) whose functions shall, subject to the following provisions of this section, be the conservation and protection of the salmon and the inland fisheries of Northern Ireland, other than the fisheries of the Londonderry Area.

(2) The Board shall, if so directed in writing by the Head of the Department, execute such works and do such things in relation to any fisheries mentioned in subsection (1) as may be specified in the directions.

(3) Without prejudice to the generality of subsections (1) and (2), the Board may, in the exercise of their functions—

- (a) take legal proceedings for the enforcement of any statutory provision with respect to salmon or inland fisheries;
- (b) make to the Department such suggestions and representations as the Board think proper in relation to any matter pertaining to such fisheries, and advise the Department upon any such matter which is referred to them by the Department;

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- (c) act in co-operation with any other body constituted under a statutory provision for the purpose of publicising any such fisheries as a tourist attraction;
- (d) apply and expend, subject to the provisions of this Act, any money paid to the Board in such manner as the Board think proper for the performance of their functions.

(4) The functions of the Board under the preceding provisions of this section shall, if the Head of the Department so directs, cease to be exercisable by the Board in relation to salmon fisheries in the sea to such extent as may be specified in the directions.

(5) The provisions of Schedule 2 shall have effect with respect to the Board.”.

Reconstitution of the Board

4. For Schedule 2 to the principal Act there shall be substituted the Schedule set out in the Schedule to this Order.

Duty payable in respect of fishing licences

5.—(1) In section 26 of the principal Act (power of Board to make byelaws) after subsection (1) there shall be inserted the following subsections—

“(1A) The duty prescribed by byelaws under subsection (1)(i) in respect of any class of fishing licence shall be the aggregate of—

- (a) an amount determined by the Department, after consultation with the Board, with a view to ensuring that the receipts of the Board in any financial year are sufficient to meet their payments;
- (b) an amount specified by the Department in relation to that class of licence.

(1B) The Board shall, in respect of each licence issued by them, pay to the Department, at such time as the Department may direct, the amount specified by the Department under subsection (1A)(b) in relation to a licence of that class.” .

(2) In section 24 of the principal Act (appropriations in aid) after paragraph (d) there shall be inserted the following paragraph—

“(dd) any sum paid to the Department by the Board under section 26(1B); and” .

Repeals

6. The following statutory provisions are hereby repealed, namely—

- (a) in the principal Act—
 - (i) sections 34 and 35;
 - (ii) in section 209 the words “or of Schedule 3”; and
 - (iii) Schedule 3;
- (b) in Schedule 2 to the Fisheries (Amendment) Act (Northern Ireland) 1968, the amendment to Schedule 2 to the principal Act.

SCHEDULE

Article 4

SCHEDULE 2 TO THE PRINCIPAL ACT, AS SUBSTITUTED

SCHEDULE 2

THE FISHERIES CONSERVANCY BOARD FOR NORTHERN IRELAND

Incorporation and constitution

1. The Board shall be a body corporate to which, subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

2.—(1) The Board shall consist of not more than 24 persons appointed by the Head of the Department from amongst persons appearing to him to be qualified for the office.

(2) The Head of the Department shall appoint a chairman and a deputy chairman of the Board and of the other members of the Board—

- (a) four shall be persons chosen by the Head of the Department from any list of candidates not being less than six in number that may be submitted to the Head of the Department by a body or bodies for the time being recognised by the Head of the Department as representative of a substantial number of anglers;
- (b) three shall be persons appointed by the Head of the Department as representatives of any companies for the time being recognised by him as substantially interested in the commercial operation of any salmon or eel fishery;
- (c) three shall be persons appointed by the Head of the Department as representatives of commercial fishermen (other than the companies recognised for the purposes of head (b));
- (d) three shall be persons nominated by the Ulster Farmers' Union from amongst its members, one of whom shall be a person representative of persons operating fish farms;
- (e) two shall be persons appointed by the Head of the Department as representatives of anglers not represented by the body or bodies recognised for the purposes of head (a);
- (f) one shall be a person nominated by the Confederation of British Industry;
- (g) one shall be a person nominated by the Department of Economic Development as representative of persons engaged in the tourism industry;
- (h) one shall be a person nominated by the Department of Education as representative of persons participating in sport and physical recreation;
- (i) one shall be a person nominated by such organisation as appears to the Head of the Department substantially to represent district councils;
- (j) one shall be an officer of the Department;
- (k) not more than two shall be persons appointed by the Head of the Department as representatives of such other persons or bodies as the Board may recommend to him.

(3) Before appointing any person under head (b) of sub-paragraph (2) as representative of any companies the Head of the Department shall consult with those companies, and before appointing any person under head (c) as representative of any persons he shall consult with any body or bodies for the time being recognised by him as a representative of such persons.

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- 3.—(1) Subject to the following provisions of this paragraph—
- (a) the chairman, the deputy chairman and the persons appointed to the Board under heads (f) to (k) of paragraph 2(2) shall hold office for such period as the Head of the Department may determine; and
 - (b) all other members of the Board shall hold office for a period of six years.
- (2) When appointments are first made to the Board after the coming into operation of Article 4 of the Fisheries (Amendment) (Northern Ireland) Order 1983—
- (a) two of the persons appointed under head (a) of paragraph 2(2);
 - (b) one of the persons appointed under head (c) of paragraph 2(2);
 - (c) one of the persons appointed under head (d) of paragraph 2(2); and
 - (d) one of the persons appointed under head (e) of paragraph 2(2),
- shall be appointed for a period of three years; but on any subsequent appointment to the Board under any of those heads the persons appointed shall hold office in accordance with sub-paragraph (1)(b).
- (3) A person shall cease to be a member of the Board if—
- (a) by notice in writing to the Head of the Department he resigns;
 - (b) he is on more than three consecutive occasions absent without permission of the chairman from meetings of the Board; or
 - (c) the Head of the Department, by notice in writing, removes him from office.
- (4) A person shall, on ceasing to be a member, be eligible for reappointment.
- (5) If a member of the Board dies or ceases to be a member before the expiration of the term for which he was appointed, the term of his successor shall be so fixed as to expire at the end of the first-mentioned term, but the Head of the Department may, if he thinks fit, defer the making of an appointment until the expiration of the first-mentioned term.
4. The quorum of the Board and the procedure at meetings of the Board shall be such as the Board may determine.
5. The Board may act notwithstanding any vacancy among their members.
6. No defect in the appointment of any person acting as a chairman, deputy chairman or other member of the Board shall vitiate any proceedings of the Board in which he has taken part.

Executive committee of the Board

- 7.—(1) The Board shall establish an executive committee consisting of not less than three or more than six members of the Board, one of whom shall be the chairman or deputy chairman.
- (2) The executive committee shall be responsible to the Board for—
- (a) monitoring, and reporting to the Board on, the implementation of the policies of the Board by their officers and servants;
 - (b) financial matters; and
 - (c) such other matters as may be delegated to the committee by the Board.
- (3) Paragraphs 4, 5 and 6 shall apply to the executive committee as they apply to the Board.

Remuneration

8.—(1) There shall be paid to the chairman and the deputy chairman of the Board such remuneration and such allowances as the Department, with the approval of the Department of Finance and Personnel, may determine.

(2) No remuneration shall be paid to any other member of the Board, but there shall be paid to any other member such allowances as the Board, with the approval of the Department, may determine.

Power to amend certain provisions of this Schedule

9. The Department may by order made subject to affirmative resolution—

- (a) amend paragraph 2 so as to alter the constitution of the Board;
- (b) amend paragraph 3(1) so as to alter the period for which certain members of the Board are to hold office;
- (c) amend paragraph 7(1) and (2) so as to alter the constitution and responsibilities of the executive committee.

Officers and servants

10.—(1) The Board—

- (a) shall, with the approval of the Department, appoint a Chief Executive (who, unless the Board otherwise direct shall act as secretary of the Board);
- (b) shall appoint such inspectors and other officers as the Department may direct, and shall appoint to any office under the Board (other than the office of water bailiff) such persons as the Board, with the approval of the Department, may determine; and
- (c) may appoint such water bailiffs and such servants as the Board think fit.

(2) Subject to any authorisation in writing given by the Department to the Board, any determination of the Board with respect to the remuneration or conditions of service of any person employed by the Board shall be subject to the approval of the Department.

(3) A person, other than an employee of the Foyle Fisheries Commission, who is for the time being in the employment of the owner or occupier of a several fishery shall be disqualified for being appointed to or holding any office under the Board.

(4) No member of the Board shall hold any employment or office of profit under the Board.

11. The Board shall, in accordance with any reasonable requirements communicated to them by the Department make available to the Department the services of the Board's officers for the protection of the fishery of any waters the fishing rights in respect of which are owned by, or which are under the control of, the Department, on such terms as may be agreed upon between the Board and the Department.

Superannuation

12.—(1) The Board, with the approval of the Department and the Department of Finance and Personnel, may make arrangements to secure the provision of superannuation or other benefits for

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or in respect of persons employed by the Board in a whole-time capacity and such arrangements shall provide for the payment of contributions by the Board and by the persons for or in respect of whom the benefits are provided.

(2) Arrangements made under sub-paragraph (1) may provide for the contributions to be paid to and the benefits to be paid by a body other than the Board.

The seal

13. The application of the seal of the Board shall be authenticated by the signature of the chairman or deputy chairman of the Board and of the officer of the Board for the time being acting as secretary of the Board or some other officer of the Board authorised by them to act for that purpose.

Execution of contracts and instruments not under seal

14. Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board to act for that purpose.

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