

Inland Fisheries Group
Portadown Office



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

Date as Postmark

To: Secretaries of Angling Clubs
Private Fisheries etc

Inland Fisheries
Marine & Fisheries Division
Crown Buildings
140 Jervis Street
Portadown
Co Armagh, BT62 3BZ



Dear Sir

I have enclosed at your request the relevant paperwork in relation to the Appointment of Private Water Bailiffs.

The process requires you to read all the necessary documents including the legislative process as outlined under Section 170 of the Fisheries Act (N.I.) 1966 for new appointments and Schedule 5A for reappointments, (whichever is applicable) before undertaking this process of appointing person/s to act on your behalf.

(N.B. This legislative part of the process is arranged by your Angling Club in association with the N.I. Court Service.)

However, before your approach to the N.I. Court Service to arrange the appropriate court date, you should have completed a form for each person you intend to consider, forward a copy of the forms via the email above or hard copy through the post, which then allows DAERA to carry out the usual necessary checks and follow up with the required response.

This response by DAERA is an additional level of authorisation which you will need when you approach the N.I. Court Service to have the appointments confirmed. When the appointments are authorised DAERA will need sight of approval by way of copies of the signed warrant to allow DAERA records to be updated or warrant cards issued if required.

I have attached the PWB 1 form together with a sample for ease of reference per your request.

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

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If you require any further clarification, you can contact me either by email or the telephone number above.

Yours faithfully

[Redacted Signature]

Inland Fisheries

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The undernamed Private Water Bailiff
has been appointed by:

to protect their fisheries and is
authorised to do all lawful acts as
such Private Water Bailiff in
accordance with the Fisheries Act
(NI) 1966 (Reprint to 1969).

Name: _____

Address: _____

The above mentioned appointment
was confirmed by a court of Summary
Jurisdiction on

Date: From: _____

To: _____

Signed: _____

Club Secretary / Fishery Owner

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PRIVATE WATER BAILIFF

Authorisation Card





APPOINTMENT OF PRIVATE WATER BAILIFF

I/We* (Name of Angling Club/Secretary etc; to be inserted here) _____

of (Address of above club to be inserted here) _____

do hereby appoint (Name of PWB to be inserted here) _____

of (Address to PWB to be inserted here) _____

as a Private Water Bailiff to protect the fishery of (Name of Fishery, Lake, River, Sea, Coast or Shell-Fish
Fishery to be inserted here) _____

pursuant to the Fisheries Act (Northern Ireland) 1966, and the said (Name of PWB to be inserted here) _____

of (Address of PWB to be inserted here) _____

**is hereby authorised to do all lawful acts as such Private Water Bailiff according to the provisions of the
said Act**

Dated this _____ **Day of** _____ **20**

Signed:- (Representative of above Angling Club etc;) _____

To whom it may concern (to be completed by N I Court Service at time of appointment confirmation)

I, the undersigned District Judge, do hereby confirm the above appointment

Dated this _____ **Day of** _____ **20**

Signed:- _____

This appointment expires on the _____ **Day of** _____ **20**

* delete as appropriate

Fisheries Act (NI) 1966 (Reprint to 1969) (as amended)

SCHEDULE 5A – RENEWAL OF APPOINTMENTS OF PRIVATE WATER BAILIFFS (SECTION 170A(1) & (2))

1. Where any person (in this Schedule referred to as “the applicant”) intends to renew the appointment of a private water bailiff, he shall, not less than six weeks before the date on which the appointment is to cease to have effect, serve a notice, in such form and containing such particulars as may be prescribed by regulations, on
 - (a) the Clerk of Petty Sessions
 - (b) the Department
 - (c)
2. Where the Department objects to the renewal of the appointment of a private water bailiff, it shall, within twenty one days of receiving a notice under paragraph 1, notify the applicant and the Clerk of Petty Sessions of its objection and of the grounds thereof.
3. Where, within the time specified in paragraph 2, the Clerk of Petty Sessions has received no notice of an objection under that paragraph he shall confirm the appointment and endorse the instrument of appointment to that effect.
4.
 - (1) Where the Department notifies the applicant that there is an objection to the renewal of the appointment, the applicant may apply to the court for confirmation of the renewal of the appointment
 - (2) Subsections (3) and (4) of section 170 shall apply to an application to the court under sub-paragraph (1) In the same manner as they apply to an application under subsection (2) of that section.
- (5) In this Schedule –

“the applicant” has the meaning given in paragraph 1;
“the court” means a court of summary jurisdiction sitting for the Petty Sessions district (or any such district where there is more that one) within which the private water bailiff is appointed to act and “Clerk of Petty Sessions” shall be construed accordingly.

170A(1) and (2).

SCHEDULE 5A

RENEWAL OF APPOINTMENTS OF PRIVATE WATER BAILIFFS

[F11991 NI 13](#)

[F21Where any person (in this Schedule referred to as "the applicant") intends to renew the appointment of a private water bailiff, he shall, not less than 6 weeks before the date on which the appointment is to cease to have effect, serve a notice, in such form and containing such particulars as may be prescribed by regulations, on—

(a)the clerk of petty sessions,

(b)the Department, [F3](#). . .

[F3](#)Sch. 5A para. 1(c) and preceding word repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\), ss. 1\(3\)\(b\), 6, 7\(1\), Sch. 1 Pt. 2 para. 3\(50\)\(a\), Sch. 3 \(with Sch. 1 Pt. 1 para. 4\(3\)\); S.R. 2009/172, art. 2\(b\)\(e\)](#)

[F42Where the Department [F5](#). . . objects to the renewal of the appointment of a private water bailiff, it shall, within 21 days of receiving a notice under paragraph 1, notify the applicant and the clerk of petty sessions of its objection and of the grounds thereof.]

[F41991 NI 13](#)

[F5](#)Words in [Sch. 5A para. 2](#) repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\), ss. 1\(3\)\(b\), 6, 7\(1\), Sch. 1 Pt. 2 para. 3\(50\)\(b\), Sch. 3 \(with Sch. 1 Pt. 1 para. 4\(3\)\); S.R. 2009/172, art. 2\(b\)\(e\)](#)

[F63Where, within the time specified in paragraph 2, the clerk of petty sessions has received no notice of an objection under that paragraph, he shall confirm the appointment and endorse the instrument of appointment to that effect.]

[F61991 NI 13](#)

[F74(1)Where the Department [F8](#). . . notifies [F8](#). . . the applicant that there is an objection to the renewal of the appointment, the applicant may apply to the court for confirmation of the renewal of the appointment.

(2)Subsections (3) and (4) of section 170 shall apply to an application to the court under subparagraph (1) in the same manner as they apply to an application under subsection (2) of that section.]

[F71991 NI 13](#)

[F8](#)Words in [Sch. 5A para. 4\(1\)](#) repealed (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\), ss. 1\(3\)\(b\), 6, 7\(1\), Sch. 1 Pt. 2 para. 3\(50\)\(c\), Sch. 3 \(with Sch. 1 Pt. 1 para. 4\(3\)\); S.R. 2009/172, art. 2\(b\)\(e\)](#)

[F95In this Schedule—

- “the applicant” has the meaning given in paragraph 1;
- “the court” means a court of summary jurisdiction [F10](#)....]

[F91991 NI 13](#)

F10Words in [Sch. 5A\(5\)](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\)](#), [Sch. 1 para. 58\(5\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387, art. 2\(k\)\(m\)](#) (with [art. 3](#))

- [Previous: Schedule](#)
- [Next: Schedule](#)

[Back to top](#)