

S.I. No. 324/2010 — Inland Fisheries (Fixed Charge Notice) Regulations 2010.

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Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 6th July, 2010.

I, EAMON RYAN, Minister for Communications, Energy and Natural Resources, in exercise of the powers conferred on me by sections 70 and 80 of the Inland Fisheries Act, 2010 (No. 10 of 2010) hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Inland Fisheries (Fixed Charge Notice) Regulations 2010.
- (2) These Regulations come into operation on 1 July 2010.
2. In these Regulations “Act of 2010” means Inland Fisheries Act 2010 (No. 10 of 2010).
3. It is declared that section 70 of the Act of 2010 applies in respect of a contravention of Regulation 3, 4, 15, 16, 17, 20, 21, 22(2), 22(3), 22(4), 22(5), 22(6), 22(7) or 22(8) of the Wild Salmon and Sea Trout Tagging Scheme Regulations 2010 (S.I. No. 323 of 2010).
4. The Bye-laws mentioned in Schedule 1 are prescribed for the purposes of section 80(1)(b) and (c) of the Act of 2010.
5. The form set out in Schedule 2 is prescribed for the purposes of sections 70(2) and 80(1) of the Act of 2010.
6. The prescribed amount of a fixed charge is—
 - (a) in respect of a fixed charge notice under section 70 — €130, and
 - (b) in respect of a fixed charge notice under section 80 — €90.
7. The Inland Fisheries (Fixed Payment) Regulations 2009 (S.I. No. 560 of 2009) are revoked.

SCHEDULE 1

Part 1

Tagging of Nets and Numbering of Boats for Salmon or Trout Fishing Bye-law No. 583, 1976.

Prohibition on the Use of Live Fish as Bait in Fresh Water Bye-law No. 592, 1977.

Control of Fishing for Coarse Fish in Fresh Water Bye-law No. 595, 1977.

Conservation of Pike Bye-law No. 809, 2006.

Conservation and Prohibition on the Sale of Coarse Fish Bye-law No. 806, 2006.

Part 2

Bye-laws prohibiting the taking, killing or having in possession a fish taken by rod and line and hooked other than in the mouth.

Bye-laws prohibiting or restricting trolling and or the use of more than a specified number of rods by a person at any one time.

Bye-laws prohibiting the taking of salmon and sea trout by means of any net or rod and line in specified waters.

Bye-laws prohibiting angling with rod and line in specified waters.

Bye-laws prohibiting the taking of salmon and sea trout by means of rod and line, prohibiting the use of any fish hooks other than single barbless hooks and a prohibition on the use of worms as bait in angling in specified fishery districts.

Bye-laws conserving the taking of salmon or trout with draft nets.

Bye-laws prohibiting the use of drift nets, snap nets or other fishing engines.

Bye-laws prohibiting the use of specified bait.

Regulation 4

SCHEDULE 2 INLAND FISHERIES ACTS 1959 TO 2010

FIXED CHARGE NOTICE IN RELATION TO AN ALLEGED OFFENCE

INLAND FISHERIES IRELAND

To

Address

It is alleged that you have committed an offence at 1

on..... 20..... Particulars of the alleged offence, are given opposite the reference number marked "X" below/overleaf in Schedule A, B, or C, as applicable.

A prosecution in respect of the alleged offence will not be instituted during the period of 21 days beginning on the date of this notice. If during that period you pay to Inland Fisheries Ireland at . 2 (either personally or by post) the sum of—

(a) €90, in respect of an offence referred to at any reference number in Schedule A or an offence for contravening a Bye-law referred to in Schedule B, or

(b) €130, in respect of an offence for contravening a provision of the Regulations mentioned in Schedule C at any reference number,

accompanied by this notice a prosecution in respect of the alleged offence will not be instituted.

Dated..... 20..... Signed:

Authorised Officer

1 Insert address of the place where the offence is alleged to have been committed.

2 Insert address at which the fine can be paid.

Schedule A Fisheries (Consolidation) Act 1959 (No. 14 of 1959) Amount to Accompany Notice — €90

Nature of alleged contravention(1)	Relevant provision contravened(2)	Reference Number(3)	(4)
Angling for salmon during annual close season.	Section 137(2)(a)	1	
Angling for trout during annual close season.	Section 138(2)(a)	2	
Holder of a Part X licence failing to display licence.	Section 162(1)(b) (inserted by section 20 of the Fisheries (Amendment) Act 1994)	3	
Holder of Part X licence failing to keep or to make an entry in a register or failing to produce for inspection a register or documents.	Section 163(4) (inserted by section 20 of the Fisheries (Amendment) Act 1994)	4	
Using strokehaul or similar instrument for the purpose of taking fish.	Section 166(2)	5	
Unauthorised entry on several fishery.	Section 178	6	
Obstructing persons lawfully fishing.	Section 287	7	
Giving warning to person unlawfully fishing.	Section 291	8	
Failing to produce licence on demand.	Section 303(2)	9	

Schedule B Offence under s.57(4) of the Inland Fisheries Act 2010 (No. 10 of 2010) for contravening a bye-law made or deemed to have been made under s.57(1) of that Act Amount to Accompany Notice — €90 Section 1

Bye-law contravened(1)	Reference Number(2)	(3)
Tagging of Nets and Numbering of Boats for Salmon or Trout Fishing Bye-law No. 583, 1976	10	
Prohibition on the Use of Live Fish as Bait in Fresh Water Bye-law No. 592, 1977	11	
Control of Fishing for Coarse Fish in Fresh Water Bye-law No. 595, 1977	12	
Conservation of Pike Bye-law No. 809, 2006	13	
Conservation and Prohibition on the Sale of Coarse Fish Bye-law No. 806, 2006.	14	

Section 2

Nature of Bye-law Contravened(1)	Citation of Bye —Law ¹ contravened.(2)	Reference Number(3)	(4)
Prohibiting the having on board any boat a drift net, draft net, snap net or other fishing engine other than rod and line.		15	
Prohibiting the use of any lure other than artificial fly in angling for any kind of fish with rod and line.		16	
Prohibiting the use of prawn, shrimp, any other crustacean or artificial forms thereof as bait in angling.		17	
Prohibiting the taking, killing or having in possession a fish of any kind which is less than a specified length.		18	
Prohibiting the taking or having in possession more than a specified number of any kind of fish.		19	

Prohibiting the taking, having in possession or control, selling or offering for sale any sea trout.	20
Prohibiting the fishing, or attempting to fish, for bass.	21
Prohibiting the taking, killing or having in possession a fish taken by rod and line and hooked other than in the mouth.	22
Prohibiting or restricting trolling and or the use of more than a specified number of rods by a person at any one time.	23
Prohibiting the taking of salmon and sea trout by means of any net or rod and line in specified waters.	24
Prohibiting angling with rod and line in specified waters.	25
Prohibiting the taking of salmon and sea trout by means of rod and line, prohibiting the use of any fish hooks other than single barbless hooks and a prohibition on the use of worms as bait in angling in specified fishery districts.	26
Conserving the taking of salmon or trout with draft nets.	27
Prohibiting the use of drift nets, snap nets or other fishing engines.	28
Prohibiting the use of specified bait.	29

1 Insert citation of Bye-law contravened.

Schedule COffence under s. 69(6) and 69(7) of the Inland Fisheries Act 2010 (No. 10 of 2010) for contravening a

provision of the Wild Salmon and Sea Trout Tagging Scheme Regulations (S.I. No. 323 of 2010)Amount to accompany Notice — €130

Nature of alleged contravention(1)	Relevant provision contravened(2)	Reference Number(3)	(4)
Person failing to attach, in accordance with the Regulations, a gill tag to a wild salmon or sea trout caught and retained by him or her.	Regulation 3	30	
Person failing to attach, in accordance with the Regulations, a brown tag to a wild salmon or sea trout caught in specified rivers by rod and line and retained by him or her.	Regulation 5	31	
Holder of a logbook failing to have the logbook in his or her possession when fishing.	Regulation 15	32	
Holder of a logbook failing to make an entry in the logbook at the appropriate time.	Regulation 16	33	
Holder of a logbook failing to return completed logbook together with unused tags to the CEO of IFI or such persons nominated by him or her within the appropriate time.	Regulation 17	34	
Dealer who imports a wild salmon or sea trout failing to notify IFI before the fish is imported, failing to attach a tail tag to such fish or failing to complete the dealer's record book.	Regulation 20	35	
Person engaged in catering failing to retain, or to surrender, a tag, a record or a statement of a fisherman.	Regulation 21	36	
Removing a tag that is attached to a wild salmon or sea trout except at the time the	Regulation 22(2)	37	

fish is processed.		
Person attaching, or having attached, a tag, other than a tag which has been issued to him or her to any wild salmon or sea trout.	Regulation 22(3)	38
Attaching a tag to any fish which is not a wild salmon or sea trout.	Regulation 22(4)	39
Re-using a tag which has been previously attached to a wild salmon or sea trout.	Regulation 22(5)	40
Selling, offering to sell, displaying, importing, exporting or transshipping an untagged wild salmon or sea trout.	Regulation 22(6)	41
Person having in his or her possession an untagged wild salmon or sea trout.	Regulation 22(7)	42
Person attaching, or having attached, a tag, to a farmed salmon or sea trout or have in his or her possession, selling, offering to sell, displaying, importing, exporting or transshipping any tagged farmed salmon or sea trout.	Regulation 22(8)	43



GIVEN under my Official Seal,

1 July 2010.

EAMON RYAN,

Minister for Communications, Energy and Natural Resources.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These regulations provide for a system of on-the-spot fines in the area of inland fisheries to be administered by Inland Fisheries Ireland, in order to cater for new fisheries legislation.

The form of notice of an on-the-spot fine is set out in the Schedule to the Regulations.

1 Insert citation of Bye-law contravened.

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