

FOYLE FISHERIES (AMENDMENT) ACT 1983

LONGTITLE

An Act to make provision for increased penalties in respect of offences under the Foyle Fisheries Acts, 1952 to 1976. [3rd March, 1983]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1 Interpretation.

SECT 1.—In this Act— "the Act of 1961" means the Foyle Fisheries (Amendment) Act, 1961; "the Principal Act" means the Foyle Fisheries Act, 1952.

2 Certain offences may be tried on indictment.

SECT 2.—(1) A person charged with an offence under section 35 of the Principal Act may be tried on indictment and shall, on conviction on indictment, be liable to a fine not exceeding £2,000, or to imprisonment for any term not exceeding two years, or both such fine and such imprisonment. (2) A person charged with an offence under section 49 of the Principal Act may be tried on indictment and shall, on conviction on indictment, be liable to a fine not exceeding £2,000, or to imprisonment for any term not exceeding two years or both such fine and such imprisonment. (3) Any reference to summary conviction in section 35 or section 49 of the Principal Act shall be construed as including a reference to conviction on indictment.

3 Alteration of certain penalties under Principal Act.

SECT 3.—(1) A person convicted by the District Court of an offence for which a penalty is provided in any section of the Principal Act specified in column (2) of the Table to this section at any reference number shall, in lieu of so much of the penalty so provided as consists of a fine, imprisonment, a fine or imprisonment, or a fine and imprisonment, be liable to the appropriate penalty specified in column (3) of the said Table at that reference number, and that section shall be construed and have effect accordingly. (2) A person convicted on indictment of an offence under section 41 (inserted by section 3 of the Act of 1961) of the Principal Act shall, in lieu of the penalty specified in subsection (4) (b) of that section, be liable to a fine not exceeding £2,000, or to imprisonment for any term not exceeding two years or both such fine and such imprisonment, and the said section 41 shall be construed and have effect accordingly. (3) A person convicted on indictment of an offence under section 52A (inserted by section 5 of the Act of 1961) of the Principal Act shall, in lieu of the penalty specified in subsection (2) (b) of that section, be liable to a fine not exceeding £2,000, or to imprisonment for any term not exceeding two years or both such fine and such imprisonment, and the said section 52A shall be construed and have effect accordingly. (4) This section shall have effect as respects offences committed after the commencement of this Act. TABLE Ref. No. Section of Principal Act Penalty (1) (2) (3) 1.35, 49. A fine (not exceeding in all £600) of an amount not exceeding £500 together with an amount not exceeding £50 for each salmon and £10 for each trout in respect of which the offence under the section is committed or imprisonment for any term not exceeding six months or both such fine and such imprisonment. 2.41, 43, 52A, 67. A fine not exceeding £500 or imprisonment for any term not exceeding six months or both such fine and such imprisonment. 3.56 (4). A fine not exceeding £200. 4.69. A fine not exceeding £500 and, in the case of a continuing offence, a further fine (not exceeding in all £600) not exceeding £50 for each day during which the offence continues after conviction thereof. 5.83 (3). A fine not exceeding £200 or imprisonment for any term not exceeding three months or both such fine and such imprisonment.

4 Amendment of section 64 of Principal Act.

SECT 4.—Section 64 of the Principal Act is hereby amended by the insertion in subsection (5) after "Act of "and shall be liable on summary conviction to a fine not exceeding £200".

5 Prosecution of offences.

SECT 5.—The Principal Act is hereby amended by the substitution for section 73 of the following section: "73.— Proceedings in the District Court for an offence under this Act may be brought only by the Director of Public Prosecutions or the Commission or an officer of the Commission or a member of the Garda Síochána and not by any other person."

6 Amendment of Third Schedule to Principal Act.

SECT 6.—The Third Schedule to the Principal Act (as amended by the Act of 1961) is hereby amended by the substitution for Article 2 (a) of the following Article: "(a) to take legal proceedings (other than criminal proceedings on indictment) for the enforcement of any provision of this Act or of any regulations made under this Act, or, in the Foyle area, of any law with respect to fisheries;"

7 Short title, construction, collective citation and commencement.

SECT 7.—(1) This Act may be cited as the Foyle Fisheries (Amendment) Act, 1983. (2) The Foyle Fisheries Acts, 1952 to 1976, and this Act shall be construed together as one Act and may be cited together as the Foyle Fisheries Acts, 1952 to 1983. (3) This Act shall come into operation on such day as the Minister may by order appoint.