

STATUTORY INSTRUMENTS

S.I. No. 414 of 2002

Fisheries Acts 1959 to 2001 (Payment in Lieu of Prosecution)

Regulations 2002

I, Dermot Ahern, Minister for Communications, Marine and Natural Resources, in exercise of the powers conferred on me by section 4 of the Fisheries (Consolidation) Act 1959 (No. 14 of 1959), section 25 (inserted by section 3(b) of the Fisheries (Amendment) Act, 2000 (No. 34 of 2000)) of the Fisheries (Amendment) Act 1999 (No. 35 of 1999) and section 2 of the Fisheries (Amendment) Act 2000 (as adapted by the Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 307 of 2002)) hereby make the following regulations:

1. These Regulations may be cited as the Fisheries Acts 1959 to 2001 (Payment in Lieu of Prosecution) Regulations 2002.

2. In these Regulations-

"Act of 1999" means the Fisheries (Amendment) Act 1999 (No. 35 of 1999);

"Act of 2000" means the Fisheries (Amendment) Act 2000 (No. 34 of 2000).

3. Section 166(2) of the Fisheries (Consolidation) Act 1959 (No. 14 of 1959) is prescribed for the purposes of section 2(1)(a) of the Act of 2000.

4. The following bye-laws are prescribed for the purposes of section 2(1)(b) of the Act of 2000-

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

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

(c) the Control of Fishing for Coarse Fish in Fresh Water Bye-law No. 595, 1977, and

(d) the Conservation of Pike Bye-law No. 667, 1990.

5. Bye-laws of the type which prohibit the taking, killing or having in possession a fish taken by rod and line and hooked other than in the mouth are prescribed for the purposes of section 2(1)(d) of the Act of 2000.

6. It is declared that section 25 (inserted by section 3(b) of the Act of 2000) of the Act of 1999 applies to the offences under section 24(6) (inserted by section 3(a)(i) of the Act of 2000) of the Act of 1999 in respect of a contravention of Regulation 3,

10(1), 10(2), 10(3), 10(4), 10(5), 11(2), 13, 14 or 19 of the Wild Salmon and Sea Trout Tagging Scheme Regulations 2002 (S.I. No. 215 of 2002).

7. The form set out in the Schedule to these Regulations is prescribed for the purposes of section 25(2) (inserted by section 3(b) of the Act of 2000) of the Act of 1999 and section 2(1) of the Act of 2000.

8. The amount standing specified in section 25(2)(b) (inserted by section 3(b) of the Act of 2000) of the Act of 1999 and section 2(1)(ii) of the Act of 2000 is varied by substituting "€65" for "£50".

9. The Fisheries Acts 1959 to 2000 (Payment in Lieu of Prosecution) Regulations 2000 (S.I. No. 463 of 2000) are revoked.

SCHEDULE

Regulation 7

FISHERIES ACTS 1959 TO 2001

NOTICE IN RELATION TO AN ALLEGED OFFENCE

.....¹Regional Fisheries Board

¹Complete name of regional fisheries board.

To.....
.....

Address.....
.....

It is alleged that you have committed an offence
at.....²

²Insert address of the place where the offence is alleged to have been committed.

on the.....day of.....20..... The alleged offence, particulars of which are given at number.....below/overleaf, is:

(a) an offence under section of the Fisheries (Consolidation) Act 1959 (see PART A) ³

³Strike out if not applicable and insert applicable section, regulation or bye-law number.

(b) an offence under section 24(6) (inserted by section 3(a)(i) of the Fisheries (Amendment) Act 2000) of the Fisheries (Amendment) Act 1999 in respect of a failure to comply with, or a contravention of, Regulation of the Wild Salmon and Sea Trout Tagging Scheme Regulations 2002 (S.I. No. 215 of 2002) (see PART B)³

³Strike out if not applicable and insert applicable section, regulation or bye-law number.

(c) an offence in respect of a contravention of Bye-law No. made, or deemed to have been made, under section 9(1) of the Fisheries (Consolidation) Act 1959 (see PART C)³

³Strike out if not applicable and insert applicable section, regulation or bye-law number.

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 and if during that period you pay to the.....¹

¹Complete name of regional fisheries board.

Regional Fisheries Board.....⁴
the sum of €65 accompanied by this notice a prosecution in respect of the alleged offence will not be instituted.

⁴Insert address at which the fine can be paid.

Dated this day of 20.....
Signed:.....

Authorised Officer

PART A - FISHERIES (CONSOLIDATION) ACT 1959

Angling for salmon during annual close season. (Section 137(2)(a))

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 a 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

PART B - WILD SALMON AND SEA TROUT TAGGING SCHEME REGULATIONS 2002

Person failing to affix, in accordance with the Regulations, a gill tag to a wild salmon or sea trout caught and retained by him or her. (Regulation 3)

10

Removing a tag that is affixed to a wild salmon or sea trout except at the time the fish is processed. (Regulation 10(1))

11

Person affixing, or having affixed, a tag, other than a tag which has been issued to him or her to any wild salmon or sea trout. (Regulation 10(2))

12

Affixing a tag to any fish which is not a wild salmon or sea trout. (Regulation 10(3))

13

Selling, offering to sell, displaying, importing, exporting or transshipping an untagged wild salmon or sea trout. (Regulation 10(4))

14

Person having in his or her possession an untagged wild salmon or sea trout. (Regulation 10(5))

15

Dealer who imports a wild salmon or sea trout failing to notify the relevant regional board before the fish is imported, failing to affix a tail tag to such fish or failing to complete the dealer's record book. (Regulation 11(2))

16

Holder of a logbook failing to have the logbook in his or her possession when fishing. (Regulation 13)

17

Holder of a logbook failing to make an entry in the logbook before midnight. (Regulation 14)

18

Person engaged in catering failing to retain, or to surrender, a tag, a record or a statement of a fisherman. (Regulation 19)

19

PART C - BYE-LAW UNDER SECTION 9(1) OF FISHERIES
(CONSOLIDATION) ACT 1959

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

20

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

21

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

22

Contravention of the Conservation of Pike Bye-law No.667, 1990.

23

Contravention of a bye-law prohibiting the having on board any boat a drift net, draft net, snap net or other fishing engine other than rod and line.

24

Contravention of a bye-law prohibiting the use of any lure other than artificial fly in angling for any kind of fish with rod and line.

25

Contravention of a bye-law prohibiting the use of prawn, shrimp, any other crustacean or artificial forms thereof as bait in angling.

26

Contravention of a bye-law prohibiting the taking, killing or having in possession a fish of any kind which is less than a specified length.

27

Contravention of a bye-law prohibiting the taking or having in possession more than a specified number of any kind of fish.

28

Contravention of a bye-law prohibiting the taking, having in possession or control, selling or offering for sale any sea trout.

29

Contravention of a bye-law prohibiting the fishing, or attempting to fish, for bass.

30

Contravention of a bye-law prohibiting the taking, killing or having in possession a fish taken by rod and line and hooked other than in the mouth.

31

GIVEN under my Official Seal,

13th August 2002.

A handwritten signature in black ink, appearing to read "Jeremy Chern", is written over a horizontal line. The signature is fluid and cursive.

Minister for Communications, Marine and Natural Resources

L.S.

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 the regional fisheries boards. The form of the notice of an on-the-spot fine is set out in the Schedule to the regulations.

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