

S.I. No. 587 of 2008

INLAND FISHERIES (FIXED PAYMENT NOTICE) REGULATIONS 2008

Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th January, 2009.

I, SEAN POWER, Minister of State at the Department of Communications, Energy 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), section 2 of the Fisheries (Amendment) Act 2000 (as adapted by the Communications, Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 706 of 2007)) and the Energy and Natural Resources (Delegation of Ministerial Functions) Order 2008 (S.I. No. 460 of 2008), hereby make the following regulations:

1. These Regulations may be cited as the Inland Fisheries (Fixed Payment Notice) Regulations 2008.
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);
“Regulations of 2007” means Inland Fisheries (Fixed Payment Notice) Regulations 2007 (S.I. No. 850 of 2007).
3. It is declared that section 25 (inserted by section 3(b) of the Act of 2000) of the Act of 1999 applies to 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, 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 2008 (S.I. No. 586 of 2008).
4. (1) The Bye-laws mentioned in Part 1 of Schedule 1 are prescribed for the purposes of section 2(1)(b) and (c) of the Act of 2000.
(2) Contravention of the types of bye-laws mentioned in Part 2 of Schedule 1 are prescribed for the purposes of section 2(1)(d) of the Act of 2000.
5. The form set out in Schedule 2 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.
6. The amount standing specified—
(a) in section 25(2)(b) (inserted by section 3(b) of the Act of 2000) of the Act of 1999 (varied by Regulation 6 of the Regulations of 2007) continues to be varied, in lieu of that amount, to €130 and
(b) in section 2(1)(ii) of the Act of 2000 (named by Regulation 6 of the Regulations of 2007) is varied, in lieu of that amount, to €90.
7. The Inland Fisheries (Fixed Payment) Regulations 2007 (S.I. No. 850 of 2007) 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

FISHERIES ACTS 1959 TO 2006

FIXED PAYMENT NOTICE IN RELATION TO AN ALLEGED OFFENCE

..... 1 Regional Fisheries Board

To

Address

It is alleged that you have committed an offence at 2

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 the 3

Regional Fisheries Board 4 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 Complete name of regional fisheries board.

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

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

4 Insert address at which the fine can be paid.

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

Nature of alleged contravention(1)

Relevant provision contravened(2)

Reference No.(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 Section 9(4) (as amended by Section 50(2)(a) of the Fisheries Act 1980 (No. 1 of 1980)) of Fisheries (Consolidation) Act 1959 (No. 14 of 1959) for contravening a bye-law made under Section 9(1) of that Act Amount to Accompany Notice — €90

Section 1

Bye-law contravened(1)

Reference No.(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 contravened.(2)

Reference No.(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 Section 24(6) (inserted by Section 3(a)(i) of the Fisheries (Amendment) Act 2000 (No. 34 of 2000)) of the Fisheries (Amendment) Act 1999 (No. 35 of 1999)for contravening a provision of the Wild Salmon And Sea Trout Tagging SchemeRegulations (S.I. No. 586 of 2008)Amount to Accompany Notice — €130

Nature of alleged contravention(1)

Relevant provision contravened(2)

Reference No.(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 relevant regional fisheries board within the appropriate time.

Regulation 17

34

Dealer who imports a wild salmon or sea trout failing to notify the relevant regional board 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 fish is processed.

Regulation 22(2)

37

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 hand,

22 December 2008

SEAN POWER,

Minister of State at the Department of 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 the regional fisheries boards, 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.