



STATUTORY INSTRUMENTS.

S.I. No. 850 of 2007



INLAND FISHERIES (FIXED PAYMENT NOTICE) REGULATIONS
2007

(Prn. A7/2346)

INLAND FISHERIES (FIXED PAYMENT NOTICE) REGULATIONS
2007

I, EAMON RYAN, Minister for 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) and 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)), hereby make the following regulations:

1. These Regulations may be cited as the Inland Fisheries (Fixed Payment Notice) Regulations 2007.

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) Regulations 2007 (S.I. No. 253 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, 16, 17, 18, 21, 22, 23(2), 23(3), 23(4), 23(5), 23(6), 23(7) or 23(8) of the Wild Salmon and Sea Trout Tagging Scheme Regulations 2007 (S.I. No. of 2007).

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 5 of the Regulations of 2007) continues to be varied, in lieu of that amount, to €130 and

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th January, 2008.*

(b) in section 2(1)(ii) of the Act of 2002 (named by Regulation 5 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. 253 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.

SCHEDULE 2

Regulation 4

FISHERIES ACTS 1959 TO 2006

FIXED PAYMENT NOTICE IN RELATION TO AN ALLEGED OFFENCE

.....¹Regional Fisheries Board

To

Address.....

It is alleged that you have committed an offence at on²
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.³

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
.....¹

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

¹Complete name of regional fisheries board.

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

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

⁴Insert 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 s.9(4) (as amended by s.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 s.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	

Nature of Bye-law Contravened (1)	Citation of Bye-Law* contravened. (2)	Reference No. (3)	(4)
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	

*Insert citation of Bye-law contravened.

SCHEDULE C

Offence under s.24(6) (inserted by s.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 Scheme Regulations (S.I. No. — — — — of 2007)
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 16	32	
Holder of a logbook failing to make an entry in the logbook at the appropriate time.	Regulation 17	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 18	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 21	35	
Person engaged in catering failing to retain, or to surrender, a tag, a record or a statement of a fisherman.	Regulation 22	36	

Nature of alleged contravention (1)	Relevant provision contravened (2)	Reference No. (3)	(4)
Removing a tag that is attached to a wild salmon or sea trout except at the time the fish is processed.	Regulation 23(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 23(3)	38	
Attaching a tag to any fish which is not a wild salmon or sea trout.	Regulation 23(4)	39	
Re-using a tag which has been previously attached to a wild salmon or sea trout.	Regulation 23(5)	40	
Selling, offering to sell, displaying, importing, exporting or transshipping an untagged wild salmon or sea trout.	Regulation 23(6)	41	
Person having in his or her possession an untagged wild salmon or sea trout.	Regulation 23(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 23(8)	43	



GIVEN under my Official Seal,
20 December 2007

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 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.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
51 ST. STEPHEN'S GREEN, DUBLIN 2
(Tel: 01-6476834/35/36/37; Fax: 01-6476843)
or through any bookseller.

€3.81

