

S.I. No. 706 of 2011

Inland Fisheries (Fixed Charge Notice) (No. 2) Regulations 2011

I, Fergus O' Dowd, Minister of State at the Department of 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) and the Energy and Natural Resources (Delegation of Ministerial Functions) (No. 2) Order 2011 (S.I. No. 631 of 2011), hereby make the following regulations:

1. These Regulations may be cited as the Inland Fisheries (Fixed Charge Notice) (No. 2) Regulations 2011.
2. In these Regulations "Act of 2010" means the 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 (No. 2) Regulations 2011 (S.I. No. of 2011).
4. The form set out in Schedule 1 is prescribed for the purposes of sections 70(2) and 80(1) of the Act of 2010.
5. The Bye-laws specified in Schedule 2 are prescribed for the purposes of paragraphs (b) and (c) of section 80(1) of the Act of 2010.
6. The prescribed amount of a fixed charge in respect of a fixed charge notice under sections 70 and 80 of the Act of 2010 is €150.
7. The Inland Fisheries (Fixed Charge Notice) Regulations 2011 (S.I. No. 81 of 2011) is revoked.

SCHEDULE 1

Regulation 4

INLAND FISHERIES ACTS 1959 TO 2010	
FIXED CHARGE NOTICE IN RELATION TO AN ALLEGED OFFENCE	F No.
Inland Fisheries Ireland	
To _____ Address _____ (Name)	
It is alleged that you have committed an offence at _____ _____ ¹ on the ____ day of _____ 20____.	
1. This offence was committed under section _____ ² of the Fisheries (Consolidation) Act 1959. OR	
2. This was a contravention of Bye-Law No. _____, _____ ³ made or deemed to have been made under section 57(1) of the Inland Fisheries Act 2010. OR	
3. This was a contravention of Regulation No. _____ ⁴ , of the Wild Salmon and Sea Trout Tagging Scheme (No. 2) Regulations 2011 (S.I. No. ____ of 2011) made or deemed to have been made under section 69 of the Inland Fisheries Act 2010.	
A prosecution in respect of the alleged offence specified at no. _____ ⁵ above 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 _____ the sum of €150, together with this notice, either personally or by post.	
Authorised Officer _____	Dated _____ 20____
Citation of Offence ⁶ : _____ _____ _____	

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

² Insert the relevant section number taken from Part 1 of Schedule 6 to the Inland Fisheries Act 2010, if applicable. Otherwise leave blank.

³ Insert the number of the relevant Bye-law of a type referred to in Part 2 of Schedule 6 to the Inland Fisheries Act 2010, or the relevant Bye-law specified in Schedule 2 to the Inland Fisheries (Fixed Charge Notice) (No. 2) Regulations 2011, if applicable. Otherwise leave blank.

⁴ Insert the relevant regulation taken from Regulation 3 to the Inland Fisheries (Fixed Charge Notice) (No. 2) Regulations 2011, if applicable. Otherwise leave blank.

⁵ Insert number 1, 2 or 3, as appropriate.

⁶ Insert the nature of the alleged contravention taken from Schedule 6 to the Inland Fisheries Act 2010, Regulation 3 to the Inland Fisheries (Fixed Charge Notice) (No. 2) Regulations 2011 or the Bye-law contravened taken from Schedule 2 to those Regulations, whichever is applicable.

SCHEDULE 2

Regulation 5

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
Prohibiting the having on board any boat a drift net, draft net, snap net or other fishing engine other than rod and line.
Prohibiting the use of any lure other than artificial fly in angling for any kind of fish with rod and line.
Prohibiting the use of prawn, shrimp, any other crustacean or artificial forms thereof as bait in angling.
Prohibiting the taking, killing or having in possession a fish of any kind which is less than a specified length.
Prohibiting the taking or having in possession more than a specified number of any kind of fish.
Prohibiting the taking, having in possession or control, selling or offering for sale any sea trout.
Prohibiting the fishing, or attempting to fish, for bass.
Prohibiting the taking, killing or having in possession a fish taken by rod and line and hooked other than in the mouth.
Prohibiting or restricting trolling and or the use of more than a specified number of rods by a person at any one time.
Prohibiting the taking of salmon and sea trout by means of any net or rod and line in specified waters.
Prohibiting angling with rod and line in specified waters.
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.
Conserving the taking of salmon or trout with draft nets.
Prohibiting the use of drift nets, snap nets or other fishing engines.
Prohibiting the use of specified bait.

GIVEN under my hand,

16 December 2011.

Fergus O'Dowd

Fergus O'Dowd

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 to be administered by Inland Fisheries Ireland as applies to fisheries legislation. The form of notice of an on-the-spot fine is set out in the Schedule to the Regulations.