



**IFI Procedure for
Requesting Byelaws
17th May 2015**

OBJECTIVE

The objective of this procedure is to document the process steps for requesting a byelaw.

SCOPE OF PROCEDURE

IF IFI or a Club / Fishery Owner / Organisation in control of a body of water wishes to implement a byelaw it must undertake the following:

- (1) Provide the written rationale for the regulation being requested.
- (2) This to be copied to the CEO and senior management team.
- (3) Seek the input of the relevant River Basin District Director for the regulation requested.
- (4) Check that is in line with any appropriate IFI policy in place at the time.
- (5) Check existing scientific data to ensure the proposals are in line with current scientific advice.
- (6) IFI advises the Department of the provisions that are being sought.

PUBLIC CONSULTATION

If the regulation being requested is seen by IFI to be rational and reasonable and it is in line with existing policy – and it receives the support of the senior management and the local River Basin District Director then the full process should be entered into (Appendix II).

This is as follows:

- (A) An advertisement inviting submissions is placed in the appropriate regional paper for the area to be affected by the proposed regulation – this advertisement must state that any submissions will be published on the IFI website – submissions should be made to the relevant RBD Director
- (B) The proposal is also to be advertised on the IFI website and also on the website of any relevant proposing Club – again this must state that any submissions will also be published on the IFI website.
- (C) The advertisement must state the following points clearly:
 - a. what is being proposed;
 - b. the species affected;
 - c. the area where it is to be applied – including a map or co-ordinates or description of the area etc;
 - d. the consultation period;
 - e. whether it is a revision or replacement of any existing byelaws;
 - f. whether the byelaw may affect other non-target species; and
 - g. where comments must be sent to.
- (D) The consultation period is 14 days – this can be reduced to seven days if it is the renewal of an existing annual byelaw to which no objections were received previously.

Also in exceptional circumstances where an emergency byelaw needs to be reduced this period can be reduced or eliminated – see ‘Force Majeure’.

- (E) All submissions on the proposal or byelaw must go in the first instance to the relevant River Basin Director for the affected catchment.
- (F) The Director will review the proposals against the existing Byelaw database to ensure it does not conflict with any existing byelaws for the area in question.
- (G) The Director compiles the submissions received along with the observations of staff and makes a recommendation to the relevant section of IFI that will liaise with the Department in relation to the request – currently this is Kealan O’Higgins – the documentation is also copied to the Head of Operations and CEO for consideration prior to submitting to the Department.
- (H) The proposals, if supported, are forwarded to the Department for drafting by parliamentary counsel.
- (I) All submissions made on each proposal are put up for public viewing on the IFI website.
- (J) Once drafted the byelaws are returned for agreement with IFI prior to signing by the Minister of State.
- (K) Once signed the byelaws are published on both the Departments and IFI’s websites.

The procedure for the revocation of any existing byelaws should follow similar lines and also needs to be supported by relevant science.

1. APPEALS

The Appeals process is covered in Section 57 (7) of the Inland Fisheries Act, 2010 which provides that any person aggrieved by a newly made Bye-law may, within 28 days after its publication in Iris Oifigiúil, appeal against same to the High Court.

2. FORCE MAJEURE

In the event of exceptional circumstances whereby immediate emergency conservation measures are required the Force Majeure measure may be initiated. This is specifically to cover events which require urgent restriction on a fishery due to; exceptional weather events; high temperatures; undue stress on fish; pollution or other toxic events (blue green algal blooms); landslide or other such occurrences. This measure can be done without the required consultation period as it is in the ‘National Interest’. The measure must be proposed to the Department / Minister by the CEO of Inland Fisheries Ireland.

Bye Law Implementation Process Steps



