



STATUTORY INSTRUMENTS.

S.I. No. 363 of 2014



INLAND FISHERIES (FIXED CHARGE NOTICE) REGULATIONS 2014

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I, ALEX WHITE, Minister for Communications, Energy and Natural Resources, in exercise of the powers conferred on me by section 29 (as amended by paragraph 4 of Part II of the Fourth Schedule to the Fisheries Act 1980 (No. 1 of 1980)) of the Fisheries (Amendment) Act 1962 (No. 31 of 1962), the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1977 (S.I. No. 30 of 1977) (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)) at the request of Inland Fisheries Ireland and being satisfied that it has had regard to the requirements of Regulations 27 and 42 of the European Communities (Birds and Natural Habitats) Regulations 2011, (S.I. No. 477 of 2011) hereby order as follows:

1. These Regulations may be cited as the Inland Fisheries (Fixed Charge Notice) Regulations 2014.

2. In these Regulations “Act of 2010” means the Inland Fisheries Act 2010 (No. 10 of 2010).

3. A contravention of Regulation 3, 5, 11(5), 12(1), 14(2), 15(4), 16, 17, 18, 19(1), 20, 21(1) or 22 of the Wild Salmon and Sea Trout Tagging Scheme Regulations 2013 (S.I. No. 573 of 2013) is declared to be a contravention to which section 70 of the Act of 2010 applies.

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. (1) The Bye-laws specified in Part 1 of Schedule 2 are prescribed for the purpose of section 80(1)(b) of the Act of 2010.

(2) The Bye-laws specified in Part 2 of Schedule 2 are prescribed for the purpose of section 80(1)(c) of the Act of 2010.

6. The prescribed amount of a fixed charge in a fixed charge notice under sections 70 and 80 of the Act of 2010 is €150.

7. The Inland Fisheries (Fixed Charge Notice) Regulations 2013 (S.I. No. 76 of 2013) are revoked.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 1st August, 2014.*

SCHEDULE 1

Regulation 4

<p>INLAND FISHERIES ACTS 1959 to 2010</p> <p>FIXED CHARGE NOTICE IN RELATION TO</p> <p>AN ALLEGED OFFENCE F No.</p> <p>Inland Fisheries Ireland</p>
<p>To Address</p> <p>It is alleged that you have committed an offence at</p> <p>.....¹ on 20</p> <p>1. under section² of the Fisheries (Consolidation) Act 1959.*</p> <p>2. under section 57(2) of the Inland Fisheries Act 2010 in respect of a contravention of Bye-law No.,^{3*}</p> <p>3. under section 69(6)(a) of the Inland Fisheries Act 2010 in respect of a contravention of Regulation of the Wild Salmon and Sea Trout Tagging Scheme Regulations 2013 (S.I. No. 573 of 2013).*</p> <p>A prosecution in respect of the alleged offence specified at No.⁴ above will not be instituted during the period of 21 days beginning on the date of this notice if during the period you pay to Inland Fisheries Ireland at</p> <p>the sum of €150, together with this notice, either personally or by post.</p> <p>Authorised Officer Dated 20</p>
<p>Nature of alleged contravention or offence⁵:</p> <p>.....</p> <p>.....</p>

* Delete as appropriate or leave blank.

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

²Insert the relevant section number taken from Part 1 of Schedule 6 to the Inland Fisheries Act 2010.

³Insert 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) Regulations 2014.

⁴Insert number 1, 2, or 3, as appropriate.

⁵Insert the nature of the alleged contravention taken from Schedule 6 to the Inland Fisheries Act 2010, Regulation 3 of the Inland Fisheries (Fixed Charge Notice) Regulations 2014, the Bye-law contravened taken from Schedule 2 to those Regulations or the provision of S.I. No. 573 of 2013 contravened, 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
Bye-law 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 official seal,
25 July 2014.

ALEX WHITE,
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 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

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