Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 14 *of* 1959

FISHERIES (CONSOLIDATION) ACT 1959

REVISED

Updated to 16 April 2025

This Revised Act is an administrative consolidation of the *Fisheries (Consolidation) Act 1959*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Financial Services and Pensions Ombudsman (Amendment) Act 2025* (3/2025), enacted 15 April 2025, and all statutory instruments up to and including the *Pharmaceutical Society of Ireland (Fees) (Amendment) Rules 2025* (S.I. No. 135 of 2025), made 16 April 2025, were considered in the preparation of this Revised Act.

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Number 14 *of* 1959

FISHERIES (CONSOLIDATION) ACT 1959

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Electricity (Supply) (Amendment) Act 1945	No. 12 of 1945
Salmon Conservancy Fund Act 1954	No. 4 of 1954
Fisheries (Amendment) Act 1958	No. 15 of 1958
Fisheries (Statute Law Revision) Act 1956	No. 28 of 1956
Fisheries Act 1925	No. 32 of 1925
Fisheries Act 1939	No. 17 of 1939
Finance Act 1925	No. 28 of 1925
Finance Act 1940	No. 14 of 1940
Civil Service Commissioners Act 1956	No. 45 of 1956
Civil Service Regulation Act 1956	No. 46 of 1956
Foreshore Act 1933	No. 12 of 1933
Fisheries (Statute Law Revision) Act 1949	No. 27 of 1949
Shannon Fisheries Act 1938	No. 7 of 1938
Courts of Justice Act 1924	No. 10 of 1924
Court Officers Act 1926	No. 27 of 1926
Documentary Evidence Act 1925	No. 24 of 1925
State Property Act 1954	No. 25 of 1954
Local Government Act 1941	No. 23 of 1941
Courts of Justice Act 1936	No. 48 of 1936
Local Government Act 1946	No. 24 of 1946
Fisheries (Amendment) Act 1949	No. 18 of 1949

Number 14 *of* 1959

FISHERIES (CONSOLIDATION) ACT 1959

REVISED

Updated to 16 April 2025

AN ACT TO CONSOLIDATE THE FISHERIES ACTS 1842 TO 1958, AND CERTAIN OTHER ENACTMENTS RELATING TO FISHERIES. [8*th July*, 1959.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

Preliminary and General.

Short title.

1.—This Act may be cited as the Fisheries (Consolidation) Act 1959.

Commencement.

2.—(1) This Act (except the postponed provisions) shall come into operation on the 1st day of October, 1959.

(2) The postponed provisions shall come into operation on such day (not being earlier than the 1st day of October, 1959) as shall be fixed for that purpose by order of the Minister either generally or with reference to any particular provision, and different days may be so fixed for different such provisions.

(3) In this section the expression "the postponed provisions" means the following provisions of this Act, namely section 16, subsection (3) of section 24, section 39, section 61, section 72, sections 79 to 84, sections 185 to 191, subsection (1) of section 192, subsection (2) of section 194, sections 195 and 196, sections 198 to 209, sections 216, 218 and 305.

Interpretation generally.

3.—(1) In this Act—

F1**[**references to angling for salmon, trout and coarse fish, or references to angling for any such fish, shall be construed as references to angling with rod and line;**]**

the expression "the annual close season for angling for salmon" has the meaning assigned to it by subsection (1) of section 137;

the expression "the annual close season for angling for trout" has the meaning assigned to it by subsection (1) of section 138;

the expression "the annual close season for eels" has the meaning assigned to it by section 151;

the expression "the annual close season for pollen" has the meaning assigned to it by section 148;

the expression "the annual close season for salmon and trout" has the meaning assigned to it by section 126;

the expression "bag net" includes a fixed engine of similar construction to a bag net;

the word "bay" includes any harbour or roadstead;

the word "boat" includes barge, cot, curragh or other vessel;

the word "box", in relation to a fishing weir or a fishing mill dam, includes a crib or cruive;

the expression "close season for oysters" has the meaning assigned to it by subsection (1) of section 271;

F1**[**the expression "coarse fish" means any freshwater fish or the spawn or fry thereof other than salmon, trout (including rainbow trout and char) or eels or their spawn or fry;**]**

F2**[**the expression "coarse fish rod ordinary licence" means an ordinary fishing licence to fish with rod and line for coarse fish;**]**

F2**[**the expression "coarse fish rod (annual) ordinary licence" means a coarse fish rod ordinary licence which is valid for a period of one year and is available for use in every fishery district;**]**

F2**[**the expression "coarse fish rod (twenty-one day) ordinary licence" means a coarse fish rod ordinary licence which is valid for a period of twenty-one days and is available for use in every fishery district;**]**

F2**[**the expression "composite freshwater angling ordinary licence" means an ordinary fishing licence to fish with rod and line for salmon, trout and coarse fish and which is valid for the period of one year and is available for use in every fishery district;**]**

F3**[**the expression "consequential disqualification order" has the meaning assigned to it by subsection (2)(b) of section 90, as amended by section 51 of the Fisheries Act 1980;**]**

the word "dam" means (except in section 115) dam, weir, dyke, sluice, embankment or other structure built or placed in or in connection with any river for or in connection with the sustaining of water for any purpose;

the word "day-time" means the period between sunrise and sunset;

F4**[**"deleterious matter" means any substance (including any explosive, liquid or gas) the entry or discharge of which into any waters is liable to render those or any other waters poisonous or injurious to fish, spawning grounds or the food of any fish or to injure fish in their value as human food or to impair the usefulness of the bed and soil of any waters as spawning grounds or their capacity to produce the food of fish;**]**

the expression "District Justice" means a Justice of the District Court;

the expression "draft net" includes a seine;

the word "eel" includes the fry and young of eels, commonly called elvers;

the expression "election year" means the year F4**[**1964**]**and every F4**[**fifth**]** successive year thereafter;

the expression "electoral division" means waters declared by subsection (2) of section 19 to be an electoral division for the purposes of this Act;

the word "estuary" includes any harbour or roadstead;

the word "fish" includes F5**[**all marine invertebrates,**]** all crustaceans and molluscs found in the sea, and brood and spawn of fish, and references to a fish shall be construed as including references to part of that fish;

the expression "fish pass" means a channel for the free run or migration of fish in, over or in connection with an obstruction in a river, lake or watercourse and includes a fish ladder or any other contrivance which facilitates the passage of fish;

the expression "fishery district" means an area declared by subsection (1) of section 19 to be a fishery district for the purposes of this Act;

the expression "fishery rate" means a rate—

(*a*) struck by a board of conservators and confirmed by the Minister under section 55, or

(*b*) struck by the Minister under the said section;

the expression "fishery year" means the period of twelve months commencing on the 1st day of October in any year;

the expression "fishing engine" means any engine, net or other instrument whatsoever capable of being used for the taking of fish;

the expression "fishing licence", when used without qualification, means a licence being either—

(*a*) an ordinary fishing licence, or

(*b*) a special local licence;

the expression "fishing mill dam" means a dam used or intended to be used partly for the purpose of taking or facilitating the taking of fish and partly for the purpose of sustaining water for milling or other purposes;

the expression "fishing weir" means any erection, structure or obstruction, which—

(*a*) is fixed to the soil across or partly across a river,

(*b*) is used solely for the purpose of taking or facilitating the taking of fish,

(*c*) incorporates one or more openings wherein fish may be taken, and

(*d*) is not a head weir;

F6**[**"fixed engine" means any engine, being—

(*a*) a stake net,

(*b*) a bag net,

(*c*) a fixed draft net,

F7**[**(*cc*) a fixed long line, or**]**

(*d*) a head weir, or

(*e*) any net, implement, engine or device, fixed to the soil or secured by one or more anchors or by any other means, and used solely for the purpose of taking or facilitating the taking of fish, not being a fishing weir, a fishing mill dam or a drift net;**]**

the expression "free gap" means a free gap in a fishing weir in accordance with section 107;

F2**[**the expression "freshwater rod ordinary licence" means a salmon rod ordinary licence, a trout rod ordinary licence, a coarse fish rod ordinary licence or a composite freshwater angling ordinary licence;**]**

the expression "head weir" means the fixed engine commonly called a head weir or an ebb and flow weir;

the word "heck" means a grating mounted at the upstream end of a box in a fishing weir or fishing mill dam and so constructed as to prevent the passage of fish without obstructing the flow of water;

the word "inscales" means a pair of gratings mounted at the downstream end of a box in a fishing weir or fishing mill dam and converging towards the centre in the upstream direction to form between the upstream ends a vertical gap, the effect of the arrangement being to permit the passage of fish into the box and hinder their escape therefrom;

the expression "lawful fishing engine" means any fishing engine the use of which (except during particular times, in particular places or in a particular manner) is not prohibited by this Act or any bye-law made thereunder;

the expression "licence duty" means—

(*a*) in relation to an ordinary fishing licence, the licence duty payable for such licence,

(*b*) in relation to a special local licence, in respect of special tidal waters, the special local licence duty payable for such licence;

the expression "the Minister" means the Minister for Lands;

references to the mouth of a river shall be construed as references to the mouth of that river as defined by an order under section 10;

the expression "non-scheduled engine" means an engine of a kind not specified in the Fourth Schedule to this Act;

the expression "the October close period for angling" means the period commencing on the 13th day of October and ending on the 31st day of that month;

the expression "offence under any provision of this Act" means an offence under any section or subsection of this Act or any instrument made thereunder;

the expression "offence under the repealed enactments" includes an offence against any instrument made under the repealed enactments;

the expression "officer of the Minister" includes a servant of the Minister;

the expression "the operative date" means the 1st day of October, 1959;

the expression "ordinary fishing licence" means a fishing licence granted under Chapter I of Part VI;

the expression "ordinary licence duty" means the duty payable under Chapter I of Part VI for an ordinary fishing licence;

the word "owner" means any person who is in the actual possession or use and enjoyment of any land or fishery (as the case may be);

the expression "oyster fishing licence" means a fishing licence granted under Chapter VI of Part XIV;

the word "prescribed" means prescribed by regulations made by the Minister under this Act;

the expression “the repealed enactments” means the enactments repealed by this Act;

the word “rivers” includes tributaries of rivers and all other streams and watercourses;

the expression “rod and line” means a single rod and line;

the word “salmon” includes all fish of the salmon species, sea trout and the spawn and fry thereof;

the expression “salmon river” means any river frequented by salmon;

the expression “salmon rod licence” means a licence to fish with rod and line for salmon;

the expression “salmon rod ordinary licence” means an ordinary fishing licence to fish with rod and line for salmon;

the expression “salmon rod (annual) ordinary licence” means a salmon rod ordinary licence which is valid for a period of one year and is available for use in every fishery district;

F8**[**...**]**

the expression “salmon rod (Foyle Area) licence” means a salmon rod licence issued in pursuance of regulations made under the Foyle Fisheries Act 1952 (No. 5 of 1952), which is valid for a year;

F8**[**...**]**

F8**[**...**]**

F8**[**...**]**

F1**[**the expression "salmon rod (twenty-one day) ordinary licence" means a salmon rod ordinary licence which is valid for the period of twenty-one days and is available for use in every fishery district;**]**

the expression “scheduled engine” means any engine of a kind specified in the Fourth Schedule to this Act;

the expression “scheduled trout waters” means any river or lake or portion thereof declared by an order, made under section 79 and for the time being in force, to be scheduled trout waters for the purposes of this Act;

the expression “sea fisheries protection officer” means a person declared by section 220 to be a sea fisheries protection officer;

F2**[**the expression "season game fishing rod and line (Foyle Area) licence" means a licence to fish with rod and line for salmon and trout issued in pursuance of regulations made under the Foyle Fisheries Act 1952 (No. 5 of 1952), which is valid for a year;**]**

the expression “several fishery” means any fishery lawfully enjoyed as such under any title whatsoever, being a good and valid title at law, exclusively of the public by any person, whether in navigable waters or in waters not navigable, and whether the soil covered by such waters be vested in such person or in any other person;

the expression “special local licence” means a licence granted under section 74 in respect of special tidal waters;

the expression “special local licence duty” means the duty payable under section 74 for a special local licence granted in respect of special tidal waters;

the expression “special tidal waters” means any tidal waters in respect of which an order, made under section 7, is for the time being in force;

the expression "stake net" includes a stake weir and any fixed engine of similar construction to a stake net;

F1**[**the word "trout", when used without any qualification includes—

(*a*) all fish of the brown trout kind,

(*b*) rainbow trout and char—

(i) in Part VI,

(ii) in any other provision, when that provision also applies to salmon and coarse fish,

(*c*) save in Part IX pollen or freshwater herring, and

(*d*) any spawn or fry of a trout,

but does not include sea trout;**]**

F8**[**...**]**

F8**[**...**]**

F8**[**...**]**

F8**[**...**]**

F2**[**the expression "trout rod ordinary licence" means an ordinary fishing licence to fish with rod and line for trout;**]**

F2**[**the expression "trout rod (annual) ordinary licence" means a trout rod ordinary licence which is valid for a period of one year and is available for use in every fishery district;**]**

F2**[**the expression "trout rod (twenty-one day) ordinary licence" means a trout rod ordinary licence which is valid for a period of twenty-one days and is available for use in every fishery district;**]**

the expression "unlawful fishing engine" means a fishing engine which is not a lawful fishing engine;

the expression "unseasonable salmon or trout" means any salmon or trout which is about to spawn, or which has spawned and has not recovered from spawning;

the expression "vested (Part XII) fishery" means a fishery which is either—

(*a*) vested in the Minister under Chapter II of Part XII, or

(*b*) transferred to the Minister under Chapter III of Part XII;

the word "waste" includes all uncultivated or unprofitable lands;

the word "waters" means any river, lake, watercourse, estuary or any part of the sea;

the expression "weekly close time" has the meaning assigned to it by section 139.

(2) In this Act—

(*a*) a reference by number to a Part or section is to the Part or section of this Act bearing that number unless it is indicated that reference to some other Act is intended,

(*b*) references to any bye-law, order or regulation made under this Act shall be construed as including references to any bye-law, order or regulation deemed by section 10 or section 334 to have been made under this Act.

(3) In this Act references to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

Regulations.

4.—(1) The Minister may make regulations in relation to any matter referred to in this Act as prescribed.

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such regulation is passed by either such House within the next subsequent twenty-one days on which such House has sat after such regulation is so laid before it, such regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under such regulation.

Repeals.

5.—The enactments specified in the First Schedule to this Act are hereby repealed to the extent specified in the third column of the said Schedule.

Expenses.

6.—All expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II.

Miscellaneous Powers and Duties of the Minister.

Special tidal waters.

7.—(1) The Minister may, with the concurrence of the Minister for Finance, from time to time by order declare that any particular tidal waters to which this section applies shall be special tidal waters for the purposes of this Act.

(2) Every order made under this section shall specify and define the tidal waters to which it purports to relate and shall be final and conclusive as to the area of such tidal waters notwithstanding any discrepancy between the extent of the tidal waters as so defined and the extent of the tidal waters in which a several fishery was previously enjoyed.

(3) The Minister may, with the concurrence of the Minister for Finance, at any time by order revoke or amend any order previously made under this section.

(4) This section applies to the tidal waters of any particular river or estuary in which, for not less than twenty years before the 1st day of January, 1933, a several fishery was believed to exist and was enjoyed as of right, but in respect of which either—

(*a*) it was, after the 1st day of January, 1933 (whether before or after the passing of this Act), judicially determined in a court of competent jurisdiction that no several fishery existed in such tidal waters, or

(*b*) the person, who on the 1st day of January, 1933, exercised as of right the said several fishery in such tidal waters does not nor does any other person claim to have or enjoy as of right a several fishery in such tidal waters.

Power of Minister to hold inquiries into fisheries.

8.—(1) The Minister may from time to time cause an inquiry to be held in any fishery district in relation to the fisheries therein or any of them and the best means to be adopted for the regulation, improvement or protection thereof, and for this purpose may appoint an officer of the Minister to hold such inquiry.

(2) The Minister shall cause to be given, in accordance with section 322, notice of the holding of an inquiry under this section.

Power of Minister to make bye-laws for the government, management, protection and improvement of fisheries.

9.—F9**[**...**]**

Definitions of mouths of rivers, boundaries between tidal and freshwater portions of rivers, points of mouths of rivers from which distances are to be measured, etc.

10.—(1) The Minister may from time to time by order—

(*a*) define, by reference to a map or otherwise, what is to be the boundary of the mouth of any river,

(*b*) define, by reference to a map or otherwise, what is to be the boundary of the mouth of any tributary river at its entrance into any other river,

(*c*) define, by reference to a map or otherwise, what is to be the boundary between the tidal and freshwater portions of any river,

(*d*) define the points of termination of the distances referred to in sections 94 and 103 and illustrate, by map or otherwise, the said points of termination and the space within which it is prohibited by the said section to use or practise certain modes of fishing,

(*e*) define, by reference to a map or otherwise, the point or points of the mouth of any river from which distances are to be measured under this Act.

(2) Where several streams flow into a common mouth or estuary the Minister may by order declare that the outlets of such streams shall form separate mouths.

(3) The Minister may by order revoke or amend any order made under subsection (1) or (2) of this section.

(4) Every definition made under any repealed enactment and which is in force immediately before the operative date shall continue in force on and after the operative date and the instrument whereby such definition was made shall be deemed to be an order made under subsection (1) or subsection (2) (whichever is appropriate) of this section.

Provisions in relation to publication and deposit of bye-laws, etc., and appeal against bye-laws, etc.

11.—(1) The following provisions shall apply in relation to any instrument to which this section applies:—

(*a*) notwithstanding any appeal which may be pending, but without prejudice to any order which may be made on such appeal, such instrument shall come into operation on the day specified in that behalf therein, or, if no such day is so specified, on the twenty-eighth day after the day on which it is made;

(*b*) such instrument shall, as soon as may be after it is made, be published in the *Iris Oifigiúil* F10**[**and a notice advising of the making of the instrument and its contents shall be published in one or more newspapers circulating in the district affected by the instrument**]**;

(*c*) a copy of such instrument shall, within one month after it comes into operation, be deposited—

(i) with the county registrar for every county or county borough which or part of which is affected thereby, and

(ii) with the District Court Clerk of every Court District which or part of which is affected thereby, and

(iii) in every station of the Garda Síochána within the area affected thereby;

(*d*) any person aggrieved by such instrument may, within twenty-eight days after the publication in the *Iris Oifigiúil*, appeal against such instrument to the High Court, and the following provisions shall apply in relation to any such appeal—

(i) the appeal may be heard by one or more judges of the High Court as may be convenient,

(ii) the High Court may on the appeal confirm or annul such instrument, but if such instrument is annulled such annulment shall be without prejudice to the validity of anything done under or in pursuance of such instrument before such annulment,

(iii) the decision of the High Court on the appeal shall be final and conclusive,

(iv) the order made by the High Court on such appeal shall be published in like manner as such instrument is required by paragraph (*b*) of this subsection to be published and shall be deposited in like manner as such instrument is required by paragraph (*c*) of this subsection to be deposited.

(2) This section applies to any instrument being—

(*a*) F11**[**...**]**

(*b*) an order made under section 10, or

(*c*) a licence granted under section 245 or 281, or

(*d*) an order made under section 251, 256, 266 or 275.

Regulations for fishing by holders of special local licences.

12.—(1) The Minister may make regulations in relation to all or any of the following matters:—

(*a*) the times and the places respectively at which holders of special local licences may fish under such licences;

(*b*) the keeping of order among holders of special local licences at or on the particular tidal waters to which such licences relate.

(2) Every person who does any act (whether of omission or commission) which is a contravention of a regulation made under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

Returns by holders of special local licences.

13.—(1) The Minister may make regulations in relation to all or any of the following matters:—

(*a*) the returns to be made by holders of special local licences;

(*b*) the persons to whom such returns are to be made;

(*c*) the times at which such returns are to be made;

(*d*) the forms in which such returns are to be made.

(2) Every person, required by regulations made under this section to make any return, who fails or refuses to make such return in accordance in all respects with such regulations or who makes in any such return any statement which is false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

F12**[**Saving for acts done for artificial propagation, scientific purposes or improvement of fisheries.

14.—(1) Subject to subsection (2) of this section, nothing in this Act or in any instrument made thereunder shall prohibit anything done by the Minister or a person previously authorised in writing by the Minister in that behalf for the purpose of the artificial propagation of fish, for some scientific purpose or for the improvement or development of any fishery.

(2) Nothing shall be done pursuant to subsection (1) of this section in relation to a several fishery without the consent of the owner thereof.

(3) A person authorised by the Minister under this section to do anything shall be furnished by the Minister with a certificate of such authorisation and when doing anything pursuant to the authorisation shall, if requested by any person affected, produce the certificate to that person.**]**

Power of Minister to grant fish culture licences.

15.—(1) The Minister may, whenever and so often as he thinks fit, F13**[**on payment to him of the prescribed fee (if any)**]** by licence (in this section referred to as a fish culture licence) authorise, subject to such conditions as he thinks fit and specifies in the licence, a named person to carry on at a specified place such operations, in relation to the culture of fish of a specified kind, as may be specified in the licence.

(2) Notwithstanding anything contained in this Act or any instrument made thereunder, a person to whom a fish culture licence is granted and any person acting under the directions of such first-mentioned person may, subject to the conditions specified in the licence, do any of the things authorised by the licence.

(3) The Minister, if he so thinks fit, may amend a fish culture licence within ten years from the date on which the licence was granted.

(4) The Minister may revoke a fish culture licence—

(*a*) if the licensee is convicted of an offence under the repealed enactments or an offence under any provision of this Act, or

(*b*) if he is satisfied that there has been a breach of any condition specified in the licence.

(5) The following provisions shall apply in relation to the amendment or revocation of a fish culture licence under this section—

(*a*) the Minister shall not amend or revoke the licence unless and until he has given by post to the licensee at least one fortnight's notice in writing stating that the Minister has under consideration, as the case may be, the amendment or revocation of the licence,

(*b*) the notice shall also state—

(i) in case it states that the Minister has under consideration the amendment of the licence—the specific amendment under consideration and the grounds on which it is so under consideration, or

(ii) in case it states that the Minister has under consideration the revocation of the licence—the grounds on which such revocation is so under consideration,

(*c*) the Minister shall consider any representations in relation to such amendment or revocation, as the case may be, made to him by the licensee before the expiration of the notice.

F13**[**(6) (*a*) The Minister may, with the consent of the Minister for Finance, prescribe fees payable in respect of licences granted by the Minister under this section.

(*b*) Every fee received by the Minister under this section shall be paid into, or disposed of for the benefit of, the Exchequer in such manner as the Minister for Finance shall direct.**]**

F13**[**(7) Any person who engages in the culture of fish otherwise than under and in accordance with a licence under this section or section 54 of the Fisheries Act 1980, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.**]**

F13**[**(8) Where—

(*a*) a person by fishing or otherwise interferes with anything done pursuant to a licence granted by the Minister under this section, and

(*b*) such interference is carried on without the permission of the person to whom the licence is granted,

the person so interfering shall be guilty of an offence under this section and shall be liable—

(*c*) on summary conviction thereof, to a fine not exceeding £500,

(*d*) on conviction thereof on indictment, to a fine not exceeding £2,000.**]**

F15**[**Environmental impact assessment in relation to certain applications for fish culture licences.

15A.—F16**[**...**]]**

Power of Minister to take on lease fisheries for research purposes.

16.—(1) The Minister, with the consent of the Minister for Finance, may, for the purposes of any scheme of research into the life-history and habits of salmon or any freshwater fish and the economic conditions affecting the commercial development of fisheries, take on lease any fishery.

(2) The provisions of Chapter V of Part XII relating to the operation of vested fisheries shall apply in respect of any fishery leased by the Minister under this section.

(3) F17**[**...**]**

Power of Minister to restrict importation of live fish, etc.

17.—(1) The Minister may, whenever and so often as he thinks fit, by order (in this section referred to as a restriction on import (fish) order) prohibit the import of any specified kind of article to which this section applies otherwise than under and in accordance with a licence in that behalf issued under this section.

(2) The Minister may by order under this subsection revoke or amend any order made by him under this section.

(3) If any person imports or attempts to import any article, the importation of which is prohibited by a restriction on import (fish) order such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

(4) On the application of any person the Minister may, if he thinks fit, issue to such person a licence to import a specified number of any article of any kind the importation of which is prohibited by a restriction on import (fish) order, and may attach to such licence such conditions as he may think proper and specify in such licence.

(5) This section applies to the following articles, live fish or other aquatic animals, and the eggs or young of fish or other aquatic animals.

Annual report by the Minister.

18.—The Minister shall as soon as may be after the expiration of each year lay before each House of the Oireachtas a report containing for such year—

(*a*) particulars of his proceedings under this Act, and,

(*b*) so far as practicable, a statistical account of the fisheries in the State, arranged and classified under such different heads as appears to the Minister to be most suited for the purpose.

PART III.

Fishery Districts and Electoral Divisions.

Fishery districts and electoral divisions.

19.—(1) Subject to an order under section 20, each area mentioned in column (4) of the Second Schedule to this Act at any reference number shall be a fishery district for the purposes of this Act and shall be known by the number and name mentioned in columns (2) and (3) respectively of the said Schedule at that reference number.

(2) F18**[**...**]**

(3) (*a*) The Minister shall cause to be prepared maps (in this subsection referred to as the official maps) showing, in such manner as the Minister thinks fit and indicates thereon, the boundaries of each of the several fishery districts.

(*b*) The official maps shall be sealed with the official seal of the Minister.

(*c*) The official maps shall, for the purposes of any proceedings under this Act, be conclusive evidence of the boundaries (as shown thereon) of each fishery district.

(*d*) The official maps shall be deposited at the office of the Minister in Dublin and shall be there open to inspection by any interested person free of charge at such times as the Minister may direct.

(*e*) In any proceedings under this Act, a map certified by an officer of the Minister to be a true copy of the official maps or any portion thereof shall be *prima facie* evidence of the official maps or such portion thereof (as the case may be) and it shall not be necessary to prove the signature of the person certifying such map or that he was an officer of the Minister.

Creation of new fishery districts and electoral divisions.

20.—(1) F19**[**...**]**

(2) F19**[**...**]**

(3) Whenever the Minister by an order made under this section creates a new fishery district, he shall by such order appoint the boundaries of such fishery district and shall annex to such order a suitable map showing such boundaries.

F20**[**(4) The Minister may by regulations alter the boundaries of a fishery district by the inclusion therein of any specified waters which are in an area or portion of the sea described in F21**[**subparagraph (i) or (ii) of section 6(3)(a) of the Inland Fisheries Act 2010**]**, and regulations under this subsection shall, by reference to a map specified in the regulations, indicate the boundaries of the relevant fishery district or districts as altered by the regulations.**]**

(5) F19**[**...**]**

(6) Every order made by the Minister under this section shall, as soon as may be after it is made, be published (without the map (if any) annexed thereto but with a statement of where such map (if any) may be inspected) in the *Iris Oifigiúil* and in one or more newspapers circulating in the fishery districts affected by the order, and a copy of such order and of the map (if any) annexed thereto shall be deposited with the County Registrar for every county and the District Court Clerk of every district

which, or any part of which, is affected by the order, and in every station of the Garda Síochána within the fishery districts affected by the order.

PART IV.

Boards of Conservators.

Construction of boards of conservators.

21.—F22**[**...**]**

Conservators for electoral divisions.

22.—F23**[**...**]**

Elections of conservators for electoral divisions to be held in each election year.

Number of conservators for electoral divisions.

23.—F24**[**...**]**

Electorate for election of conservators for an electoral division and scale of votes.

24.—F25**[**...**]**

Qualification of conservators.

25.—F26**[**...**]**

Disqualification from election as a conservator.

26.—F27**[**...**]**

Triennial elections of conservators.

27.—F28**[**...**]**

On failure of election former conservators to act.

28.—F29**[**...**]**

Term of office of conservators.

29.—F30**[**...**]**

Disqualification of elected member of board of conservators on conviction of offence.

30.—F31**[**...**]**

Disqualification of conservator by non-attendance at meetings.

31.—F32**[...]**

Resignation of conservator for an electoral division.

32.—F33**[...]**

Casual vacancies amongst elected members.

33.—F34**[...]**

Ex officio Conservators.

34.—F35**[...]**

Certain rated occupiers to be *ex officio* conservators.

Disqualification for acting as an *ex officio* conservator.

35.—F36**[...]**

Ex officio Members.

36.—F37**[...]**

Appointment of *ex officio* members in respect of the Shannon fisheries.

Appointment of *ex officio* members in respect of other fisheries acquired by the Electricity Supply Board.

37.—F38**[...]**

Nomination of *ex officio* members by the Minister.

38.—F39**[...]**

Representation of trout anglers on board of conservators.

39.—F40**[...]**

Representation of trout anglers on board of conservators.

Officers and Servants.

40.— (1) F41**[**...**]**

Officers of board of conservators.

(2) F41**[**...**]**

(3) F41**[**...**]**

(4) F41**[**...**]**

(5) F41**[**...**]**

(6) F41**[**...**]**

(7) F41**[**...**]**

(8) F41**[**...**]**

(9) F41**[**...**]**

F42**[**(10) No member of a regional board (other than a member who is a member of the staff of the regional board) shall be eligible for any paid office under the regional board.**]**

Duties of clerk of a board of conservators.

41.—F43**[**...**]**

Financial Provisions.

42.—F44**[**...**]**

Treasurer of the board.

Payments of licence duties, etc. to treasurer.

43.—F45**[**...**]**

Payments by treasurer.

44.—F46**[**...**]**

Payments in respect of special local licences to Minister by boards of conservators.

45.—(1) Where a board of conservators issues in any month any special local licences, such board shall, not later than thirty days after the expiration of such month, pay to the Minister in respect of every special local licence issued by such board in such month a sum equal to the difference between—

(*a*) the licence duty which would have been paid in respect thereof if it had been an ordinary licence authorising the use of the same kind of fishing engine as that to which such special local licence relates, and

(*b*) the special local licence duty paid in respect of such licence.

(2) All moneys received by the Minister under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Board of conservators to furnish annual estimate.

46.—F47**[**...**]**

Restriction on expenditure by boards of conservators.

47.—F48**[...]**

Accounts of boards of conservators.

48.—F49**[...]**

The Salmon Conservancy Fund.

49.—(1) In this section—

"the Act of 1954" means the Salmon Conservancy Fund Act 1954 (No. 4 of 1954) (repealed by the Act of 1958);

"the Act of 1958" means the Fisheries (Amendment) Act 1958 (No. 15 of 1958) (repealed by this Act);

"the Fund" means the Salmon Conservancy Fund established by section 5 of the Act of 1954 and continued in existence by subsection (2) of section 8 of the Act of 1958;

"salmon" does not include salmon preserved and contained in tins, bottles, jars or similar containers holding only portions of fish or products of fish,

(2) The Minister shall continue to maintain the Fund.

(3) (*a*) The Minister may from time to time by order provide that no person shall export salmon unless there is produced at the time of exportation evidence in such form as may be prescribed of the payment at the prescribed rate of levy on such salmon.

(*b*) The Minister may, after consultation with the Minister for Finance, by order revoke an order under paragraph (*a*) of this subsection.

(4) (*a*) The Minister may, from time to time, after consultation with the Minister for Finance, by regulations prescribe the rate of levy to be paid on salmon for export and the manner of payment.

(*b*) Different rates of levy may be prescribed for different periods.

(*c*) Subject to paragraph (*d*) of this subsection the rate of levy shall not exceed two pence per lb.

(*d*) The Minister may from time to time by order provide that the levy may be prescribed at a specified rate exceeding two pence per lb. but no such order shall have effect unless and until it is confirmed by resolution of each House of the Oireachtas.

(5) Every board of conservators and every other person collecting levy under this section shall as soon as may be pay to the Minister all sums so collected.

(6) F50**[...]**

(7) Any moneys received by the Minister under subsection (5) or (6) of this section shall be paid into the Fund.

(8) (*a*) The Minister may from time to time, with the consent of the Minister for Finance, pay into the Fund out of moneys provided by the Oireachtas such sums as may be required to enable payments to be made under paragraph (*a*) of subsection (9) of this section.

(*b*) Payments into the Fund under this subsection may be made either by way of grant or of advances repayable on such terms as may be approved by the Minister for Finance.

(9) (*a*) The Minister may pay out of the Fund—

(i) such sums as he thinks proper to supplement the income of any board of conservators whose income in any year appears to him to be insufficient to defray the expenses of such board of conservators in the performance of its duties,

F51**[**(ia) F50**[**...**]]**

(ii) such sums towards the expenses incurred in connection with any scheme for the improvement of the inland fisheries as the Minister thinks proper.

(*b*) The Minister shall pay out of the Fund the costs of the administration of the Fund.

(*c*) The Minister shall pay out of the Fund all payments due in respect of advances to the Fund under subsection (8) of this section.

(10) An account of the Fund shall be prepared for each financial year in a form approved of by the Minister for Finance and the account shall be audited by the Comptroller and Auditor General and, together with the report of the Comptroller and Auditor General thereon, shall be laid before each House of the Oireachtas.

(11) (*a*) The Minister may make regulations requiring persons by whom levy is payable under this section or any class of such persons to be registered in the prescribed manner, to keep such records and afford such facilities for their inspection and to furnish such returns as may be prescribed.

(*b*) Any person who contravenes, whether by action or omission, any regulation made under this subsection shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

(12) The expenses incurred by the Minister in the administration of this section and not elsewhere provided for shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

(13) Any order or regulation made under the Act of 1954 which, by virtue of subsection (14) of section 8 of the Act of 1958, is in force immediately before the operative date, shall, notwithstanding the repeal of the Act of 1958, continue in force and be deemed to have been made under this section.

Inquiries in respect of, and dissolution of boards of conservators.

50.—(1) The Minister may at any time, if he thinks fit, order an inquiry into the performance of its duties by F52**[**Inland Fisheries Ireland**]** and may appoint any person to hold such inquiry.

Inquiries in respect of boards of conservators.

(2) Where a person (not being an officer of the Minister) is appointed to hold an inquiry under this section, such person shall be paid such remuneration and such allowances for expenses as the Minister may with the consent of the Minister for Finance determine.

(3) Where an inquiry in relation to F52**[**Inland Fisheries Ireland**]** has been held under this section, the Minister shall certify the amount of the expenses incurred by the Minister in relation to such inquiry, and the amount so certified shall be recovered by the Minister from the revenue of F52**[**Inland Fisheries Ireland**]**.

(4) Any sum recovered by the Minister under subsection (3) of this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Power to dissolve boards of conservators.

51.—F53**[**...**]**

Miscellaneous provisions in relation to boards of conservators.

52.—F54**[**...**]**

Seal of board of conservators.

Proceedings of board of conservators.

53.—F55**[**...**]**

Protection of salmon spawning in Northern Ireland.

54.—Where part of a river consists of special tidal waters and another part (being a part in which salmon spawn) of such river is situate in Northern Ireland, F56**[**Inland Fisheries Ireland**]** may, with the approval of the Minister, enter into such arrangements or agreements as it considers expedient for ensuring the protection of salmon and trout, and their eggs and fry in the part of such river which is situate in Northern Ireland and for the purpose of such arrangements or agreements make payments out of its funds.

PART V.

Rates on Fisheries.

Rates on fisheries.

55.—F57**[**(1) F58**[**Inland Fisheries Ireland**]** shall as regards every fishery year and F59**[**within the period beginning on the 1st day of December preceding the commencement of that fishery year and ending on the 31st day of January next following**]** strike on all fisheries F58**[**within a fishery district**]** (which appear in the revised valuation lists required under the Valuation Acts to be issued by the Commissioner for Valuation by the F59**[**the 1st day of December**]** immediately preceding such commencement and are not distinguished therein by the said Commissioner pursuant to section 2 of the Valuation (Ireland) Act 1854) a rate of such amount per cent. of their valuations as will, with the estimated amount of other income, be sufficient to meet the estimated amount of F58**[**Inland Fisheries Ireland's expenditure**]** for that fishery year.**]**

(2) Every rate struck by a board of conservators under this section shall be subject to confirmation by the Minister who may confirm the same either without modification or with such modification (whether by way of increase or reduction) as he shall think proper.

F59**[**(3) If as regards a particular fishery year a regional board, within the period beginning on the 1st day of December and ending on the 31st day of January, which is appropriate having regard to the requirements of subsection (1) of this section, fails to strike a rate, the Minister may, if he thinks fit so to do, strike a rate for the fisheries region of such regional board for that fishery year, and in such case the rate so struck by the Minister shall be levied, collected and recovered by such regional board in like manner in all respects as if such rate had been struck by the board and confirmed by the Minister under this section.**]**

F59**[**(4) Where as regards any fishery year a regional board strike a rate under subsection (1) of this section or the Minister by reason of the failure of the regional board to strike the rate, strikes a rate under subsection (3) of this section for the fisheries region of the board, such board or the Minister may make such departure, not affecting value, from the particulars, relating to a fishery in that fisheries region,

contained in the revised Valuation Lists required under the Valuation Acts to be issued by the Commissioner of Valuation by the 1st day of December immediately preceding the commencement of that fishery year, as may be necessary, at the time of making the rate, to enable such board or the Minister to make a valid rating.**]**

(5) Every rate struck under this section shall be paid by the several persons rated for the same in two moieties on the F59**[**1st day of May**]** and the F59**[**1st day of September**]** in the fishery year for which the rate is struck, and shall be so paid over and above all or any licence duties paid by such persons under this Act for that or any other fishery year.

(6) F60**[**...**]**

(7) F61**[**...**]**

(8) F62**[**...**]**

F63**[**Valuations by reference to which fishery rates are to be struck, and provisions in relation to appeals against valuations of fisheries.

56.—Where as regards any fishery year a regional board strike a rate under section 55 or the Minister, by reason of the failure of the board to strike the rate, strikes a rate under that section for the fisheries region of the board, the board or the Minister shall make the rate according to the valuations appearing in the revised Valuation List required under the Valuation Acts to be issued by the Commissioner of Valuation by the 1st day of December immediately preceding the commencement of that fishery year, and the board may levy, collect and recover any sum due on account of any rate so made, notwithstanding any pending appeal or notice of appeal under the Valuation Acts with respect to valuation but where the valuation of any fishery is altered on appeal, the board—

(*a*) shall, if the valuation is decreased, repay any sum paid in respect of the rate in excess of the sum which would have been payable if the valuation had originally stood as altered on appeal, and

(*b*) may, if the valuation is increased, recover as arrears of the rate, an amount equal to the difference between the sum payable in respect of the rate as made and the sum which would have been payable in respect of the rate if the valuation had originally stood as altered on appeal.**]**

Amendment of fishery rates.

57.—F64**[**(1) where a fishery rate on a fishery has been struck under section 55 as regards a particular fishery year, F65**[**Inland Fisheries Ireland**]** may, but not later than the expiration of the fishery year next following that to which the rate relates, make such amendments in the rate as are necessary to correct occupiers' names, misdescriptions and clerical, arithmetical and other errors therein.**]**

(2) Whenever a board of conservators propose to make an amendment of a rate on a fishery under this section—

(*a*) the board of conservators shall serve by post notice of the proposed amendment on any person who is the occupier of the fishery,

(*b*) the notice shall contain an intimation that written objections to the proposed amendment may be sent to the board of conservators within seven days after the posting of the notice,

(*c*) before making the proposed amendment, the board of conservators shall consider the objections (if any) received as the result of the notice.

(3) A board of conservators shall make such refunds or give such credits (as the case may require) in respect of fishery rate and shall be entitled to make such recoveries of fishery rates as may be from time to time appropriate in consequence of any amendment under this section.

Liability for fishery rate.

58.—The person liable to pay a fishery rate in respect of a fishery shall be the occupier thereof.

Collection and recovery of fishery rate.

59.—(1) Fishery rate payable to a board of conservators shall be collected by such persons as the board may from time to time appoint, adequate security being taken by the board from the persons so appointed for the duly accounting for the rate collected, and the costs of the collection of the rate shall be part of the expenses of the board.

(2) Fishery rate payable to F66**[**Inland Fisheries Ireland may be recovered at the suit of Inland Fisheries Ireland**]** as a simple contract debt in any court of competent jurisdiction.

(3) Where any person (in this subsection referred to as the rated person) rated in respect of a fishery for fishery rate fails to pay any moiety of such fishery rate within one month after the date on which such moiety is required by subsection (5) of section 55 to be paid, such moiety shall be recoverable (at the option of the person entitled by law to collect and recover it) from the rated person or from any person who, when such fishery rate was made or at any subsequent time, held, used or occupied the said fishery, and, if such last-mentioned person is a tenant of the rated person, he may, unless the contract of tenancy provides for the payment of fishery rate by the tenant, deduct the amount of any fishery rate so recovered from him from any rent payable to the rated person.

Payments by Minister in lieu of fishery rate.

60.—F67**[**...**]**

Fishery rates on leased fisheries.

61.—F68**[**...**]**

Grants to certain boards of conservators.

62.—(1) In every fishery year, the Minister shall, out of moneys provided by the Oireachtas, pay to F69**[**Inland Fisheries Ireland in respect of any special tidal waters there are during that year or part thereof**]** an amount equal to such percentage of the sum which was on the 1st day of January, 1933, the total rateable valuation of the fisheries in such tidal waters as was fixed for the purpose of the rate leviable for such year on the other fisheries in such district under section 55.

(2) If the Minister is satisfied that in any fishery year the receipts (including the moneys payable in such year under subsection (1) of this section) of F69**[**Inland Fisheries Ireland where**]** there are during that year or part thereof any special tidal waters will be insufficient to defray the expenditure to be incurred by such board in such year, he may, with the consent of the Minister for Finance, pay to such board out of moneys provided by the Oireachtas a grant not exceeding the estimated deficit.

Suspended provisions as to rates on fisheries.

63.—F70**[**...**]**

PART VI.

Licences for Fishing for Salmon, Trout and Eels.

Chapter I.

Ordinary Fishing Licences.

Non-application of this Chapter to special tidal waters.

64.—This Chapter shall not apply to the use in any special tidal waters of a fishing engine for the taking of salmon or trout.

Penalty for using unlicensed scheduled engine, other than rod and line.

65.—(1) If any person uses or erects in any fishery district any scheduled engine, for the taking of salmon, trout F71**[**, coarse fish**]** or eels, in respect of which there is not for the time being in force an ordinary fishing licence authorising the use of that engine F72**[**by that person**]** in that fishery district, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than double and not more than treble the ordinary licence duty for the time being payable in respect of an ordinary fishing licence to use that engine.

(2) Where a person is convicted of an offence under this section the engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) This section does not apply to the use of rod and line.

Penalty for fishing for or taking salmon with rod and line by unlicensed person.

F73**[66.**—(1) Subject to subsection (2) of this section, if any person fishes for or takes or kills any salmon, trout and coarse fish or any of them with rod and line in any fishery district and such person is not the holder of—

(*a*) in the case of such salmon, a salmon rod ordinary licence or a composite freshwater angling ordinary licence,

(*b*) in the case of such trout, a trout rod ordinary licence or a composite freshwater angling ordinary licence,

(*c*) in the case of such coarse fish, a coarse fish rod ordinary licence or a composite freshwater angling ordinary licence,

which is for the time being in force, such person shall be guilty of an offence under this section.

(2) The provisions of subsection (1) of this section shall not apply in respect of the fishing for or taking or killing, by a person who has not reached his eighteenth birthday or has reached his sixty-sixth birthday, of any trout with one rod and line or of any coarse fish with one or two rods and lines.

(3) A person who is guilty of an offence under this section shall be liable—

(*a*) on summary conviction thereof to a fine not exceeding £500,

(*b*) on conviction on indictment to a fine not exceeding £2,000 or, at the discretion of the court, to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(4) Where a person is convicted of an offence under this section, any rod and line in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.**]**

Provisions in relation to ordinary fishing licences.

67.—(1) Every board of conservators shall, in accordance with this section, issue fishing licences (in this Act referred to as ordinary fishing licences) in respect of scheduled engines.

(2) F74**[**...**]**

F75**[**(3) (*a*) The periods for which ordinary fishing licences are to be issued shall be—

(i) in the case of salmon rod ordinary licences — the period of twenty-one days and the period of one year,

(ii) in the case of trout rod ordinary licences — the period of twenty-one days and the period of one year,

(iii) in the case of coarse fish rod ordinary licences — the period of twenty-one days and the period of one year,

(iv) in the case of composite freshwater angling ordinary licences — the period of one year,

(v) in the case of other ordinary fishing licences — the period of one year.

(*b*) Salmon rod ordinary licences issuable for twenty-one days and available for use in every fishery district shall be called, and in this Act are referred to as, salmon rod (twenty-one day) ordinary licences.

(*c*) Salmon rod ordinary licences issuable for a year and available for use in every fishery district shall be called, and in this Act are referred to as, salmon rod (annual) ordinary licences.

(*d*) Trout rod ordinary licences issuable for twenty-one days and available for use in every fishery district shall be called, and in this Act are referred to as, trout rod (twenty-one day) ordinary licences.

(*e*) Trout rod ordinary licences issuable for a year and available for use in every fishery district shall be called, and in this Act are referred to as, trout rod (annual) ordinary licences.

(*f*) Coarse fish rod ordinary licences issuable for twenty-one days and available for use in every fishery district shall be called, and in this Act are referred to as, coarse fish rod (twenty-one day) ordinary licences.

(*g*) Coarse fish rod ordinary licences issuable for a year and available for use in every fishery district shall be called, and in this Act are referred to as, coarse fish rod (annual) ordinary licences.**]**

F75**[**(4) (*a*) A salmon rod (twenty-one day) ordinary licence, a trout rod (twenty-one day) ordinary licence and a coarse fish rod (twenty-one day) ordinary licence shall each be valid and in force for the period of twenty-one days commencing on the date specified in that behalf in the licence concerned.

(*b*) An ordinary fishing licence (other than an ordinary fishing licence to which paragraph (*a*) of this subsection relates) shall be valid and in force for the year specified in that behalf in the licence.**]**

(5) A separate ordinary fishing licence shall be issued for each separate fishing engine.

F75**[**(6) Every ordinary fishing licence issued by F76**[**Inland Fisheries Ireland**]** shall—

(*a*) be in such form as the Minister may from time to time direct,

(*b*) state thereon—

(i) the name of F76**[**Inland Fisheries Ireland**]**,

(ii) the period for which it is to be valid and in force,

(iii) where appropriate, the number or name of the fishery district to which it relates,

(iv) the kind of fishing engine to which it relates.**]**

F75**[**(7) Where an application is made for a freshwater rod ordinary licence, such licence shall be issued by F76**[**Inland Fisheries Ireland**]**.**]**

(8) Where an application is made to a board of conservators for a licence for a fishing engine (being a fixed engine, a box in a fishing weir or a fishing mill dam or an eye, gap or basket for taking eels in or on a fishing weir or a fishing mill dam), such licence shall be issued in the F77**[**area which immediately before the passing of this Act comprised the electoral division which included the place at**]** which such engine is situate.

F78**[**(9) Every ordinary licence issued in respect of an engine for fishing (other than rod and line) shall contain on the face thereof—

(*a*) in the case of an engine to be used in a several fishery, the name of the person (in this section referred to as "the owner") who is for the time being entitled so to use such engine for his own benefit, or

(*b*) in every other case, the name and address of the person paying the licence duty on such engine, together with, if such person, or in case the licence relates to an engine so to be used, the owner, makes a request in writing in that behalf to F76**[**Inland Fisheries Ireland**]**, the name of not more than one other person specified in the request, and every ordinary licence which is so issued shall operate to authorise the use of the engine to which it relates by any person named in the licence.**]**

(10) Every ordinary fishing licence shall be sealed with the seal of the board of conservators by which it is issued.

F75**[**(11) An ordinary fishing licence (not being a freshwater rod ordinary licence) shall be available for use in the fishery district as regards which the application for the licence was made and which is specified in the licence F79**[**...**]** and in no other fishery district.**]**

F75**[**(12) Every freshwater rod ordinary licence shall be available for use in every fishery district.**]**

F75**[**(13) Every freshwater rod ordinary licence shall specify the name and address of the person to whom it is issued and such licence shall not be available for use by any person except the person named therein or be transferred to any other person.**]**

F75**[**(14) Every ordinary fishing licence (other than a freshwater rod ordinary licence) shall operate to authorise the use, during the period specified therein and in the fishery district specified therein, of a fishing engine of the kind specified therein, but subject to the provisions of this Act and any instrument made thereunder.**]**

F75**[**(15) Every freshwater rod ordinary licence shall operate to authorise the person named therein, but no other person, to use, during the period specified therein and in every fishery district—

(*a*) in the case of a salmon rod ordinary licence, a salmon rod,

(*b*) in the case of a trout rod ordinary licence, a trout rod,

(*c*) in the case of a coarse fish rod ordinary licence, not more than two coarse fish rods,

(*d*) in the case of a composite freshwater angling ordinary licence any combination of rods referred to in paragraphs (*a*), (*b*) and (*c*) of this subsection,

subject to the provisions of this Act and any instrument made thereunder.**]**

(16) F80**[**...**]**

(17) An ordinary fishing licence shall not be construed as giving or conferring any right of fishing or of using any engine for taking fish by any means or in any place which the person having or using the licence would not have possessed if this Act had not been passed or as altering or affecting the rights of any other person.

Duties on ordinary fishing licences.

68.—F81**[**(1) (*a*) Subject to paragraphs (*b*) and (*c*) of this subsection, the ordinary licence duty in respect of a freshwater rod ordinary licence of the class specified in column (2), (3), (4), (5), (6), (7) or (8) of Part I of the Fourth Schedule to this Act shall be the sum set out in whichever of those columns relates to a freshwater rod ordinary licence of that class.

(*b*) The Minister may, from time to time, with the consent of the Minister for Finance, by order alter the freshwater rod ordinary licence duty of a particular class specified in Part I of the Fourth Schedule to this Act.

(*c*) This subsection shall not apply to the ordinary licence duty payable in respect of—

(i) a salmon rod (annual) ordinary licence to which subsection (2) of this section applies, or

(ii) a trout rod (annual) ordinary licence to which subsection (2A) of this section applies, or

(iii) a composite freshwater angling ordinary licence to which subsection (2B) of this section applies.**]**

(2) (*a*) This subsection applies to a salmon rod (annual) ordinary licence which is valid for a particular year and is issued to a person who is the holder of a F81**[**season game fishing rod and line**]** (Foyle Area) licence which is valid for that year.

(*b*) Subject to paragraph (*c*) of this subsection the ordinary licence duty payable in respect of a salmon rod (annual) ordinary licence to which this subsection applies shall be F81**[**£17**]**.

(*c*) Wherever the Minister makes, under paragraph (*b*) of subsection (1) of this section, an order altering the ordinary licence duty in respect of a salmon rod (annual) ordinary licence, he may by order alter the annual licence duty payable in respect of a salmon rod (annual) ordinary licence to which this subsection applies.

F82**[**(2A) (*a*) This subsection applies to a trout rod ordinary licence which is valid for a particular year and is issued to a person who is the holder of a season game fishing rod and line (Foyle Area) licence which is valid for that year.

(*b*) Subject to paragraph (*c*) of this subsection the ordinary licence duty payable in respect of a trout rod (annual) ordinary licence to which this subsection applies shall be £10.

(*c*) Wherever the Minister makes, under paragraph (*b*) of subsection (1) of this section, an order altering the ordinary licence duty in respect of a trout rod (annual) ordinary licence, he may by order alter the licence duty payable in respect of a trout rod (annual) ordinary licence to which this subsection applies.**]**

F82**[**(2B) (*a*) This subsection applies to a composite freshwater angling ordinary licence which is valid for a particular year and is issued to a person who is the holder of a season game fishing rod and line (Foyle Area) licence which is valid for that year.

(*b*) Subject to *paragraph (c)* of this subsection the ordinary licence duty payable in respect of a composite freshwater angling ordinary licence to which this subsection applies shall be £30.

(*c*) Wherever the Minister makes, under paragraph (*b*) of subsection (1) of this section, an order altering the ordinary licence duty in respect of a composite freshwater angling ordinary licence, he may by order alter the licence duty

payable in respect of a composite freshwater angling ordinary licence to which this subsection applies.**]**

(3) F83**[**...**]**

(4) (*a*) Subject to paragraph (*b*) of this subsection, the ordinary licence duty in respect of an ordinary fishing licence authorising the use of a fishing engine of a kind specified in column (2) of Part II of the Fourth Schedule to this Act at any reference number shall be the sum set out in column (3) of the said Part II at that reference number.

(*b*) The Minister may, from time to time, by order alter the ordinary licence duty in respect of an ordinary fishing licence authorising the use of a fishing engine of a kind specified in column (2) of Part II of the Fourth Schedule to this Act at any reference number, F84**[**...**]**

(5) Where the licence duty in respect of a licence to use an engine (not being a scheduled engine) has been fixed under section 69 in respect of a particular fishery district, then, as respects such fishery district, the following provisions shall have effect—

(*a*) such engine shall for the purposes of this Act become and be a scheduled engine,

(*b*) the ordinary licence duty payable in respect of a licence to use such engine shall, subject to paragraph (*c*) of this subsection, be that so fixed under the said section 69,

(*c*) the Minister may, from time to time, by order alter the ordinary licence duty in respect of a licence to use such engine, F84**[**...**]**

(6) Where the ordinary licence duty in respect of an ordinary fishing licence is altered under any of the following provisions of this section, namely, paragraph (*b*) of subsection (1), paragraph (*c*) of subsection (2), F81**[**paragraph (*c*) of subsection (2A), paragraph (*c*) of subsection (2B)**]**, paragraph (*b*) of subsection (4) and paragraph (*c*) of subsection (5), the duty as so altered shall be payable in respect of any such ordinary fishing licence which is to be valid for a period commencing on or after the 1st day of January next following the making of the order which effected the alteration.

F81**[**(7) Where an order under subsection (4) or (5) of this section is proposed to be made, the Minister shall cause a draft of the order to be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.**]**

Licence duties on engines not specified in Fourth Schedule, and restrictions on user of such engines.

69.—(1) Where a person proposes to use in any fishery district an engine (not being a scheduled engine), for fishing for salmon, trout, F85**[**coarse fish**]** or eels, in respect of which no ordinary licence duty has been fixed under this section by F86**[**Inland Fisheries Ireland**]**, such person may apply in accordance with this section, to the said board of conservators to fix the ordinary licence duty in respect of an ordinary fishing licence to use such engine, and upon receipt of such application F86**[**Inland Fisheries Ireland**]** may, with the approval of the Minister, fix such licence duty, regard being had as far as practicable to the estimated catching power of such engine as compared with scheduled engines.

(2) Every application under this section in relation to an engine shall contain a description of the engine, its estimated catching power as compared with scheduled engines, and the name by which it is to be designated.

(3) Where F86**[**Inland Fisheries Ireland**]**, under subsection (1) of this section, the ordinary licence duty in respect of an ordinary fishing licence to use in F87**[**a**]** fishery district a non-scheduled engine, it shall cause to be published in some newspaper circulating in such fishery district notice of the fixing of such licence duty.

(4) Where F86**[**Inland Fisheries Ireland**]** fixes, in pursuance of an application under subsection (1) of this section, the licence duty in respect of a licence to use in F87**[**a**]** fishery district a non-scheduled engine, the following provisions shall have effect:—

(*a*) the applicant or any other person aggrieved by the amount of the licence duty so fixed, may, upon giving, within ten days after publication of notice of the fixing of the licence duty, to the county registrar for the county or county borough wherein the said engine is proposed to be used, and to the F86**[**Inland Fisheries Ireland**]** notice of intention to do so, appeal against the said amount,

(*b*) the said appeal shall be heard by the Judge of the Circuit Court, assigned to the Circuit which includes such county or county borough,

(*c*) the said Judge, after hearing the appellant and the said board of conservators, may, as he thinks fit, reduce, confirm or increase the amount of such duty and his decision shall be final,

(*d*) the decision on the said appeal shall relate back to the date on which such duty was fixed by the said board of conservators and accordingly—

(i) if the amount of such duty is reduced on the said appeal, the excess paid shall be refunded by the said board of conservators,

(ii) if the amount of such duty is increased on the said appeal, the payment already made shall operate by way of discharge *pro tanto*.

(5) If any person (other than the Minister) uses in any fishery district any non-scheduled engine, without previously having complied with subsections (1) and (2) of this section and without having deposited with the F86**[**Inland Fisheries Ireland**]** such sum as F86**[**Inland Fisheries Ireland**]** may demand on account of the licence duty thereafter to be fixed in respect of such engine, then such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than five pounds and, in the case of a continuing offence, a further fine of not less than fifty pounds for each day on which such person has so used such engine.

Agents for issue of ordinary fishing licences.

70.—(1) F88**[**Inland Fisheries Ireland**]** may appoint such and so many persons as it thinks fit to be agents of F88**[**Inland Fisheries Ireland**]** for the issue of ordinary fishing licences, and every person so appointed by F88**[**Inland Fisheries Ireland**]** shall be an authorised agent of F88**[**Inland Fisheries Ireland**]** for that purpose.

(2) F88**[**Inland Fisheries Ireland**]** shall take from every person who is an authorised agent of F88**[**Inland Fisheries Ireland**]** adequate security for duly accounting for any licence duty paid to him and for the due performance of his duty, and the cost of any allowance to be made for the issue of licences shall be part of the expenses of F88**[**Inland Fisheries Ireland**]**.

(3) Every authorised agent of F88**[**Inland Fisheries Ireland**]** shall furnish to F88**[**Inland Fisheries Ireland**]** an account of all licence duties received by him monthly or as often as it may require and shall set out in such account—

(*a*) the sums received by him for licences for each particular engine for taking fish, and

(*b*) the names and residences of the persons to whom licences were issued, and

(*c*) F89**[**...**]**

Right to issue of ordinary fishing licences.

71.—F90**[**...**]**

Payment by instalments of ordinary licence duties on draft nets and drift nets.

72.—Where—

(*a*) not later than the first day of the open season for fishing with engines other than rod and line in any year for a fishery district, an application is made to F91**[**Inland Fisheries Ireland**]** for a licence to fish for salmon with a draft net or a drift net, and

(*b*) the applicant tenders with his application one moiety of the licence duty payable in respect of such licence,

the following provisions shall have effect—

(i) F91**[**Inland Fisheries Ireland**]** shall issue such licence to the applicant subject however to the condition (which shall be endorsed on such licence) that the balance of the said licence duty shall be paid not later than the thirtieth day after the first day of such open season,

(ii) if such condition is not complied with such licence shall on and after the expiration of the said thirtieth day cease to be in force.

Chapter II.

Licences for Fishing in Special Tidal Waters.

Penalty for fishing in special tidal waters by unlicensed person.

73.—(1) It shall not be lawful for any person to use in any special tidal waters any kind of fishing engine for the taking of salmon or trout, unless such person is the holder of a special local licence for the time being in force authorising such person to use in such tidal waters a fishing engine of that particular kind.

(2) If any person uses in contravention of this section in any special tidal waters any fishing engine for the taking of salmon or trout, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to, in case the Minister has authorised the issue of special local licences to use in such tidal waters a fishing engine for the taking of salmon or trout of the kind so used by such persons, a fine not exceeding three times the appropriate special local licence duty in respect of such special local licences and, in any other case, a fine not exceeding fifty pounds.

(3) Where a person is convicted of an offence under this section the fishing engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Special local licences and licence duty thereon.

74.—(1) The Minister may from time to time by order authorise F92**[**Inland Fisheries Ireland**]** to issue licences (in this Act referred to as special local licences) to use in such tidal waters any specific kind of fishing engine (being a fishing engine of a kind in respect of which ordinary licences are issuable) for the taking of salmon or trout, and no special local licence to use in special tidal waters any kind of fishing engine for the taking of salmon or trout shall be issued unless an order has been made under this section authorising F92**[**Inland Fisheries Ireland**]** to issue special local licences to use in such tidal waters such kind of fishing engine.

(2) Whenever the Minister makes an order authorising the issue of special local licences to use in special tidal waters any particular kind of fishing engine for the taking of salmon or trout, he shall by the same order, with the consent of the Minister for Finance, fix the licence duty to be paid in respect of such licences.

(3) Different licence duties may be fixed under this section in respect of special local licences to use in special tidal waters different kinds of fishing engines for the taking of salmon or trout, and different licence duties may be fixed under this section in respect of different special tidal waters.

(4) The licence duty to be fixed under this section in respect of special local licences to use a particular kind of fishing engine for taking salmon or trout shall not in any case be less than the licence duty payable under this Act in respect of ordinary licences to use a similar kind of fishing engine.

(5) Any order under this section may provide that where a special local licence to fish for salmon with rod and line is granted for any year to a person to whom an ordinary licence of a similar kind has been granted for such year, the licence duty payable in respect of such special local licence shall be reduced by such sum as may with the consent of the Minister for Finance be specified in the order.

(6) The Minister may with the consent of the Minister for Finance make an order under this subsection amending any order previously made by him under this section (including this subsection) so far as such order relates to licence duties.

Form and effect of special local licences.

75.—(1) Every special local licence in respect of special tidal waters shall—

(*a*) be in such form and contain such particulars as the Minister may direct;

(*b*) be sealed with the seal of F93**[**Inland Fisheries Ireland**]**;

(*c*) specify the year for which such licence is issued.

(2) A separate special local licence shall be issued for each separate fishing engine for the taking of salmon or trout.

(3) Every special local licence in respect of special tidal waters shall be expressed and operate to authorise the person to whom such licence is issued to use in such tidal waters during the year for which such licence is issued a fishing engine of the particular kind specified therein for the taking of salmon or trout, but subject to the provisions of this Act and any instrument made thereunder.

Issue of special local licences.

76.—F94**[**...**]**

Payment of special local licence duty by instalments.

77.—(1) Where F95**[**Inland Fisheries Ireland**]** is authorised by order of the Minister under this Act to issue special local licences to use, in special tidal waters F96**[**...**]**, any particular kind of fishing engine for the taking of salmon or trout, the Minister may, whenever and as often as he thinks fit, by order do the following things:—

(*a*) declare that such three periods in each year as the Minister thinks proper and specifies in such order shall be issue periods for the purposes of such order;

(*b*) authorise F95**[**Inland Fisheries Ireland**]** to issue during the first issue period in any year special local licences to use in such tidal waters a fishing engine of such kind for the taking of salmon or trout on payment of a specified proportion of the appropriate special local licence duty, subject however to the following condition (which shall be endorsed on each such licence), that the balance of such duty shall be paid in three equal instalments, and that each such instalment shall be paid not later than the date specified in such order as the date for the payment thereof;

(*c*) authorise F95**[**Inland Fisheries Ireland**]** to issue during the second issue period in any year special local licences to use in such tidal waters a fishing engine of such kind for the taking of salmon or trout on payment of a specified proportion of the appropriate special local licence duty, subject however to the following condition (which shall be endorsed on each such licence), that the balance of such duty shall be paid in two equal instalments, and that each such instalment shall be paid not later than the date specified in such order as the date for the payment thereof;

(*d*) authorise F95**[**Inland Fisheries Ireland**]** to issue during the third issue period in any year special local licences to use in such tidal waters a fishing engine of such kind for the taking of salmon or trout on payment of a specified proportion of the appropriate special local licence duty, subject however to the following condition (which shall be endorsed on each such licence), that the balance of such duty shall be paid not later than the date specified in such order as the date for the payment thereof.

(2) An order under this section may relate to different kinds of fishing engine for the taking of salmon or trout, and in that case may contain different provisions in relation to each kind of fishing engine for the taking of salmon or trout to which the order relates.

(3) The Minister may by order revoke or amend any order made under this section (including this subsection).

(4) Where a special local licence is issued by F95**[**Inland Fisheries Ireland**]** in exercise of the powers conferred on F95**[**Inland Fisheries Ireland**]** by an order under this section, the following provisions shall have effect:—

(*a*) if there is a breach of the condition endorsed on such licence in accordance with such order, such licence shall cease to be in force immediately upon such breach, and

(*b*) upon payment of any instalment, or, in the case of a special local licence issued during a third issue period under such order, the balance, of the appropriate special local licence duty in accordance with such condition, the clerk of such board shall, upon production of such licence, endorse thereon a certificate of such payment.

Forfeiture of special local licences.

78.—(1) Where the holder of a special local licence is convicted of an offence under the repealed enactments or an offence under any provision of this Act, the Court by whom such person is convicted may, in addition to any other penalty, direct such licence to be forfeited.

(2) Where a special local licence is directed to be forfeited under this section, such licence shall thereupon cease to be in force.

Chapter III.

Licences for Fishing for Trout with Rod and Line in Certain Waters.

Scheduled trout waters.

79.—F97**[**...**]**

Penalty for fishing in scheduled trout waters for trout with rod and line by unlicensed person.

80.—F98**[**...**]**

Kinds of trout rod licences and licence duties thereon.

81.—F99**[**...**]**

Area of validity of trout rod licences.

82.—F100**[**...**]**

Right to issue of trout rod licences.

83.—F101**[**...**]**

Provisions in relation to trout rod licences.

84.—F102**[**...**]**

Chapter IV.

Restrictions on Issue of Fishing Licences.

Prohibition of issue of ordinary fishing licences in respect of special tidal waters.

85.—No ordinary fishing licence shall be issued in respect of any special tidal waters.

Prohibition of issue of licences for snap nets in the tidal portion of the River Shannon.

86.—No ordinary licence shall be issued for fishing with a snap net in the tidal portion of the River Shannon.

Prohibition of issue of licences for snap nets in tidal portion of rivers (other than the River Shannon) in which the Electricity Supply Board has acquired a fishery or fishing right.

87.—(1) The Minister, if he so thinks fit on the application of the Electricity Supply Board, may by order prohibit the issue of ordinary licences for fishing with a snap net in the tidal portion of any river in which the said Board has acquired a fishery or fishing right under Part III of the Electricity (Supply) (Amendment) Act 1945 (No. 12 of 1945).

(2) Whenever the Minister has made an order under subsection (1) of this section, no ordinary licence shall be issued in contravention of such order.

Restrictions on issue of drift net and draft net licences in tidal portions of rivers in which the Electricity Supply Board has a fishery or fishing rights.

88.—(1) In this section, the expression "tidal portion of a river to which this section applies" means—

(*a*) the tidal portion of the River Shannon,

(*b*) the tidal portion of any river in which the Electricity Supply Board has acquired a fishery or a fishing right under Part III of the Act of 1945 (No. 12 of 1945).

(2) The Minister may, if he so thinks proper, do, in respect of the tidal portion of a river to which this section applies, the following things—

(*a*) make regulations prescribing the maximum number (which shall not, in case that river is the River Shannon, exceed seventy) of licences for fishing with drift nets therein which may be issued in any year in which the open season for such fishing begins after the date of such regulations;

(*b*) make regulations prescribing the maximum number (which shall not, in case that river is the River Shannon, exceed twenty-five) of licences for fishing with draft nets therein which may be issued in any year in which the open season for such fishing begins after the date of such regulations;

(*c*) make regulations in relation to the issue of such licences as are mentioned in either paragraph (*a*) or (*b*) of this subsection with a view to securing to persons who held such drift net licences or draft net licences (as the case may be) in the year before the date of the regulations under paragraph (*a*) or (*b*) of this subsection a preferential right to purchase such drift net licences or draft net licences (as the case may be) before the commencement of any open season for fishing under such licences in respect of which the number of such licences is limited by the last-mentioned regulations.

(3) Whenever the Minister makes under this section regulations prescribing the maximum number of licences of any particular kind which may be issued in respect of the tidal portion of any particular river in any particular open season, the number of such licences issued in respect of such tidal portion in any such open season shall not exceed the maximum number so prescribed.

(4) Where a person is convicted of an offence under the repealed enactments or an offence under any provision of this Act, such person shall not be entitled to any preferential right to obtain a licence under this section.

(5) (*a*) In this subsection—

the expression "the Act of 1935" means the Shannon Fisheries Act 1935 (No. 4 of 1935);

the expression "the Act of 1956" means the Fisheries (Statute Law Revision) Act 1956 (No. 28 of 1956).

(*b*) If, immediately before the operative date, the provisions of subsection (1) of section 23 of the Act of 1935 (repealed by the Act of 1956) are, by virtue of subsection (5) of section 11 of the Act of 1956 (repealed by this Act), in force, then, those provisions shall, notwithstanding such repeals, continue in force and shall, for the purposes of this section, be deemed to have been made by regulations under paragraphs (*a*) and (*b*) of subsection (2) of this section.

(*c*) If, immediately before the operative date, the River Shannon Tidal Waters (Issue of Fishing Licences) Regulations 1935 (S.R. & O. No. 664 of 1935), made under subsection (2) of section 23 of the Act of 1935 (repealed by the Act of 1956) are, by virtue of subsection (6) of section 11 of the Act of 1956 (repealed by this Act) in force, then, those Regulations shall, notwithstanding such repeals, continue in force and shall, for the purposes of this section, be deemed to have been made under paragraph (*c*) of subsection (2) of this section.

Restrictions on issue of licences for nets for fishing in certain fisheries.

89.—F103**[**...**]**

Chapter V.

Forfeiture of Licences.

Forfeiture of licences.

90.—F104**[**...**]**

PART VII.

Regulations as to Nets.

Restrictions on use of nets.

91.—(1) If any person—

(*a*) makes use of or fishes with any net formed with a false bottom (except nets for the taking of eels), or

(*b*) places two or more nets one behind the other, or

(*c*) uses any nets covered with canvas, hide, or other substance for the purpose of taking undersized fish, or

(*d*) affixes or keeps up continued nets stretched across any river,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(2) Where a person is convicted of an offence under this section, the net in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Mesh of nets, made of non-rigid material for the taking of salmon in the sea or tideways.

92.—(1) In this section, the expression "net to which this section applies" means any net or other engine which is not formed of a rigid material and which is used for the taking of salmon.

(2) If, on any part of the coast or within any bay, estuary or tideway thereof, any person (other than the proprietor of the whole of the fishery of the river flowing into such bay, estuary or tideway, from the mouth to the source thereof, including its tributary streams) uses any net to which this section applies with a mesh of less size than one and three-quarter inches from knot to knot, to be measured along the side of the square, or seven inches to be measured all round each such mesh, such measurement being taken in the clear when the net is wet, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(3) Where a person is convicted of an offence under this section, the net in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(4) The Minister may by bye-law, alter, in respect of any particular district or locality, the size, specified in subsection (2) of this section, of the mesh of any net to which this section applies and permit the use, in that district or locality, of nets to which this section applies having meshes of a less size than that specified in the said subsection (2).

(5) Where a bye-law made under subsection (4) of this section alters, in respect of any district or locality, the size, specified in subsection (2) of this section, of the mesh of any net to which this section applies and permits the use, in that district or locality, of a net to which this section applies having a mesh of a less size, subsection (2) of this section shall, in its application to that district or locality, have effect as if, for the reference to a mesh of the size specified in the said subsection (2), there were substituted a reference to a mesh of the size permitted to be used by such bye-law.

Meshes or openings of engines made of rigid material for the taking of salmon in the sea and tideways.

93.—(1) In this section the expression "engine to which this section applies" means any engine which is formed of a rigid material and used for the taking of salmon.

(2) If, on any part of the coast or within any bay, estuary or tideway thereof, any person (other than the proprietor of the whole of the fishery of the river flowing into such bay, estuary or tideway from the mouth to the source thereof, including its tributary streams) uses any engine to which this section applies with meshes or openings of less width than three inches on each side of the square, and, where no meshes or openings of the nature of reticulations are used, of less width between the bars than two inches, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(3) Where a person is convicted of an offence under this section, the engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Salmon nets not to be used at mouths of rivers or within half a mile seaward or inwards of mouths of rivers.

94.—(1) It shall not be lawful for any person (other than the owner of a several fishery within the limits thereof) to shoot, draw, or use any net for taking salmon at the mouth of any river or within half a mile seaward or half a mile inwards or along the coast from the mouth of any river.

(2) It shall not be lawful for any person (other than the owner of a several fishery in the whole of a river and its tributaries within the limits of such several fishery) to shoot, draw, or stretch any net entirely across the mouth or across any other part of a river.

(3) If any person contravenes any of the preceding subsections of this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than one pound and not more than ten pounds and a further fine of five shillings for every fish taken by means of any net used in the commission of the offence.

(4) Where a person is convicted of an offence under this section every net in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(5) Where an order under this Act defines the mouth of any tributary river, references in the preceding subsections of this section to the mouth of any river shall be construed as including references to the mouth of such tributary river.

Restriction on use of nets in freshwater.

95.—(1) It shall not be lawful for any person to use any net for the capture of fish in the freshwater portion of any river or in any freshwater lake, unless—

(*a*) such net is used under and in accordance with bye-laws made under this section, or

(*b*) such net is a landing net and is used solely as auxiliary to lawful fishing with rod and line, or

(*c*) such net is used solely for the purpose of removing fish from traps in a weir, or

F105**[**(*d*) such net is constructed for the capture of eels and is operated in accordance with the conditions set out in an authorisation issued under section 100 of this Act.**]**

(2) If any person uses any net in contravention of this section such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

(3) The Minister may by bye-law authorise the use, subject to such conditions as he thinks proper, in any specified area in the freshwater portion of any river or in any freshwater lake, of any kind or kinds of net which may be lawfully used for the capture of fish, other than salmon, trout or eels, under this Act.

(4) (*a*) Where—

(i) an application is made to the Minister to permit the use of draft nets for the capture of trout in a specified freshwater lake exceeding thirty square miles in area, and

(ii) the applicant furnishes the Minister with the consent in writing of every owner of a several fishery in the lake, and

(iii) the applicant satisfies the Minister that within twenty years before the 1st day of January, 1948, nets were used as of right in the lake for the capture of trout by members of the public who depended on such netting as a means of livelihood,

the Minister, if he thinks fit, may make bye-laws permitting the use of draft nets for such capture, subject to such conditions as he thinks proper.

(*b*) Where bye-laws under this subsection are for the time being in force in relation to waters vested in the Electricity Supply Board, nothing in any enactment shall be construed as prohibiting the Board from permitting the use of draft nets in such waters in accordance with the bye-laws.

(*c*) The Minister may, if he thinks fit, cause a public inquiry to be held into the desirability of making a particular bye-law under this subsection and for this purpose may appoint an officer of the Minister to hold such inquiry.

(*d*) The Minister shall cause to be given, in accordance with section 322, notice of the holding of an inquiry under this subsection.

Restriction on possession of nets, etc.

96.—(1) If any person has in his possession or control in any waters or on or near the bank of any waters—

(*a*) any net, the use of which in such waters for the purpose of taking fish is prohibited by any provision (other than section 95) of this Act or by any bye-law made thereunder, or

(*b*) any instrument (other than a net) or lure or bait, the use of which in such waters for the purpose of taking fish is prohibited by any provision of this Act or by any bye-law made thereunder,

such person shall be guilty of an offence under this subsection.

(2) If any person has in his possession or control in, or in the vicinity of, a freshwater lake or the freshwater portion of any river any net constructed or mounted so as to be capable of being used for the capture of fish with intent to use it in contravention of section 95, such person shall be guilty of an offence under this subsection.

(3) Any person guilty of an offence under subsection (1) or (2) of this section shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months.

(4) Where a person is convicted of an offence under subsection (1) or (2) of this section, the net, other instrument, lure or bait in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(5) Where—

(*a*) a person is charged with an offence under subsection (2) of this section in relation to the possession or control of a net, and

(*b*) it is proved that he was found in possession or control of such net in, or in the vicinity of, a freshwater lake or the freshwater portion of any river,

it shall be presumed that he had the possession or control of such net with intent to use it in such freshwater lake or the freshwater portion of such river in contravention of section 95, unless and until he satisfies the Court that, at the time the offence is alleged to have been committed,—

(i) he intended and was entitled to use such net in a manner which comes within one of the matters of exception mentioned, in relation to a net of a similar kind, in subsection (1) of section 95 or, if such net is a draft net, in a manner which is permitted by bye-laws made under subsection (4) of section 95, or

(ii) if he was found in possession or control of such net in the vicinity of the boundary between the tidal and freshwater portions of such river, he was the holder of a licence to use such net in the fishery district in which such river is situate and intended and was entitled to use such net in the tidal portion of such river.

PART VIII.

Fixed Engines, Fishing Weirs, Fishing Mill Dams and Other Obstructions to the Passage of Fish.

Chapter I.

Prohibition of Fixed Engines, Fishing Weirs and Fishing Mill Dams with Certain Exceptions.

Penalty for using, etc. fixed engine for the capture of salmon not certificated under the Salmon Fishery (Ireland) Act 1863.

97.—(1) No person shall fish with, make use of, or erect any fixed engine for the capture of salmon unless a certificate in regard to such fixed engine was granted under the Salmon Fishery (Ireland) Act 1863, before the 31st day of December, 1923, and was subsisting unrevoked on that day.

(2) Every person who fishes with, makes use of, or erects any fixed engine for the capture of salmon in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and a further fine not exceeding twenty pounds for every day during which such fixed engine is fished with, made use of, or erected.

(3) Where a person is convicted of an offence under this section, the fixed engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Effect of certificates under section 6 of the Salmon Fishery (Ireland) Act 1863.

98.—A certificate under section 6 of the Salmon Fishery (Ireland) Act 1863, shall be conclusive evidence that the person named therein is the person entitled to exercise the right therein given, but it shall not render any fixed engine lawful which would otherwise be unlawful by reason of its being injurious to navigation, a common nuisance to the public right of fishing or otherwise in violation of the common law or any enactment.

Restriction on erection of fishing weirs, fishing mill dams or fixed engines in fresh water portion of rivers.

99.—(1) It shall not be lawful for any person to erect in the freshwater portion of any river or lake any fishing weir, fishing mill dam or fixed engine.

(2) If any person erects a fishing weir, fishing mill dam or fixed engine in contravention of this section such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

(3) Where any fishing weir, fishing mill dam or fixed engine is erected in contravention of this section the Minister may cause such fishing weir, fishing mill dam or fixed engine to be demolished, and any expenses incurred by the Minister under this subsection shall be a debt due to the Minister by the occupier of such fishing weir, fishing mill dam or fixed engine and may be recovered as a simple contract debt in any court of competent jurisdiction.

F106**[**(4) The provisions of this section shall not apply to long lines used solely for the capture of eels or to engines used for the capture of fish other than freshwater fish.**]**

(5) The Minister may, if he thinks fit, by order authorise a named person to erect, in accordance with plans approved by the Minister, at a specified place in the freshwater portion of a specified river or lake, a specified kind of fishing engine (being a fishing weir, fishing mill dam or fixed engine) for the capture of eels.

(6) Nothing in this section shall apply to—

(*a*) the erection by the Electricity Supply Board of—

(i) a fishing weir for the capture of eels, or

(ii) a fishing weir in exercise of the powers conferred on the said Board by section 101, or

(*b*) the erection, by a person authorised by an order made under subsection (5) of this section to erect a specified kind of fishing engine (being a fishing weir, a fishing mill dam or fixed engine) for the capture of eels, of that kind of fishing engine under and in accordance with such order.

Restriction on use of fishing weirs, fishing mill dams or fixed engines in freshwater.

100.—(1) It shall not be lawful for any person to use in the freshwater portion of any river or in any lake any fishing weir, fishing mill dam or fixed engine for the capture of fish unless such fishing weir, fishing mill dam or fixed engine was in existence and was lawfully used during the open fishing season of one or more of the three years 1936, 1937 and 1938.

(2) Where one or more boxes in a fishing weir or fishing mill dam was lawfully used during the open fishing season of one or more of the three years 1936, 1937 and 1938, such fishing weir or fishing mill dam shall, for the purposes of subsection (1) of this section, be deemed to have been lawfully used during such open fishing season.

F107**[**(3) If any person uses any fishing weir, fishing mill dam or fixed engine in contravention of this section, such person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000, and if after conviction the contravention is continued, that person shall be guilty of a further offence on each day during which the contravention continues and shall be liable on summary conviction to a fine not exceeding £500.**]**

F107**[**(4) The provisions of this section shall not apply to engines used for the capture of fish other than salmon, trout or eels.**]**

(5) F108**[**(*a*) F109**[**Inland Fisheries Ireland**]** may, if it thinks fit, grant to—

(i) the occupier of a fishing engine (being a fishing weir, fishing mill dam or fixed engine) for the capture of eels, or

(ii) any person in respect of a long line (whether fixed or otherwise),

an authorisation (in this section called an eel fishery authorisation) to use such fishing engine or long line for the capture of eels.**]**

(*b*) F109**[**Inland Fisheries Ireland**]** may attach to an eel fishery authorisation such conditions (including a condition limiting the period during which the authorisation is to remain in force) F108**[**as it thinks fit**]**.

(*c*) F108**[**F109**[**Inland Fisheries Ireland**]**, if it so thinks fit**]**, may amend an eel fishery authorisation within ten years from the date on which the authorisation was granted.

(*d*) F109**[**Inland Fisheries Ireland**]** may revoke an eel fishery authorisation—

(i) if the holder thereof is convicted of an offence under the repealed enactments or an offence under any provision of this Act, or

(ii) F108**[**if F109**[**Inland Fisheries Ireland**]** is satisfied**]** that there has been a breach of any condition attached to the authorisation.

F110**[**(*e*) If the holder of an eel fishery authorisation fails to comply with the conditions attached to that authorisation he shall be guilty of an offence under this subsection and shall be liable on summary conviction to a fine not exceeding £1,000.**]**

F110**[**(*f*) Where a person is convicted of an offence under this subsection, any fish and any fixed engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.**]**

(6) The following provisions shall apply in relation to the amendment or revocation of an eel fishery authorisation under this section—

F108**[**(*a*) F109**[**Inland Fisheries Ireland**]** shall not amend or revoke the authorisation unless and until it has given by post to the holder of the authorisation at least one fortnight's notice in writing stating that F109**[**Inland Fisheries Ireland**]** has under consideration, as the case may be, the amendment or revocation of the authorisation,**]**

(*b*) the notice shall also state—

(i) in case it states that F109**[**Inland Fisheries Ireland**]** has under consideration the amendment of the authorisation—the specific amendment under consideration and the grounds on which it is so under consideration, or

(ii) in case it states that F109**[**Inland Fisheries Ireland**]** has under consideration the revocation of the authorisation—the grounds on which such revocation is so under consideration,

(*c*) F109**[**Inland Fisheries Ireland**]** shall consider any representations in relation to such amendment or revocation, as the case may be, made F108**[**to it**]** by the holder of the authorisation before the expiration of the notice.

F111**[**(6A) F109**[**Inland Fisheries Ireland**]** shall not exercise a power under subsection (5) or (6) of this section F112**[**...**]** and unless it has first consulted the Marine Institute, and in exercising the power it shall have regard to any scientific advice given to it by the Marine Institute and any policy guidelines or instructions the Minister may establish or give.**]**

(7) Nothing in this section shall apply to—

(*a*) the use by the Electricity Supply Board of—

(i) a fishing weir for the capture of eels erected by the said Board, or

(ii) a fishing weir erected by the said Board in exercise of the powers conferred on the said Board by section 101, or

(*b*) the use of a fishing engine (being a fishing weir, fishing mill dam or fixed engine) in respect of which there is for the time being in force an eel fishery authorisation, so long as it is used in accordance with such authorisation.

Construction of fishing weirs by the Electricity Supply Board.

101.—(1) Whenever the Electricity Supply Board acquires under Part III of the Electricity (Supply) (Amendment) Act 1945 (No. 12 of 1945) every fishery (if any) and every fishing right (if any) in a river, the said Board may, with the consent of the Minister and notwithstanding anything contained in this Act, construct in such river a fishing weir for the purposes of all or any of the fisheries (if any) and fishing rights (if any) so acquired, and may thereafter maintain the fishing weir so constructed.

(2) Whenever the Electricity Supply Board acquires under or by virtue of the Electricity Supply (Amendment) Act 1945, a fishing weir, the said Board may, with the

consent of the Minister and notwithstanding anything contained in this Act, do either of the following things:—

(*a*) maintain such fishing weir and, for the purpose of such maintenance, reconstruct or repair such fishing weir, or

(*b*) construct on the site of such fishing weir or on a different site a new fishing weir in lieu of the fishing weir so acquired and thereafter maintain such new fishing weir.

Chapter II.

Restrictions on Sites of Fixed Engines.

Prohibition of placing or using fixed engines, etc. in narrow part of estuaries.

102.—(1) If in any part of the estuary or the tidal portion of any river where the breadth of the channel at low water of ordinary spring tides is less than three-quarters of a mile any person other than the proprietor of a several fishery in the whole of such estuary and river places, erects, fishes with or uses any fixed engine, then—

(*a*) such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding thirty pounds, and

(*b*) the Court shall order the stakes thereof to be pulled down or destroyed at the expense of such person.

(2) Where a person is convicted of an offence under this section the fixed engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) Subsection (1) of this section shall not apply in respect of—

(*a*) any stake nets, and other contrivances for placing nets which had been established for twenty years or upwards before the 10th day of August, 1842, or

(*b*) any stake nets, head weirs and other contrivances for placing or erecting nets which had been established for ten years or upwards before the 10th day of August, 1842, within the limits of a several fishery by any person lawfully entitled to such several fishery by charter, grant, patent, prescription, or Act, by which such limits are accurately defined, or

(*c*) any head weir, not fished by means of a fixed net.

Prohibition of placing or using fixed engines, etc. at mouths of rivers less than one half mile in breadth.

103.—(1) If within one mile seaward, coastward or inward from or on either side of the mouth of any river (being a river the inland portion of which is frequented by salmon and the mouth whereof is at low water of ordinary spring tides less in breadth than half a mile) any person other than the proprietor of a several fishery within the limits thereof, places, erects, fishes with or uses any fixed engine, then—

(*a*) such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding thirty pounds, and

(*b*) the Court shall order the stakes thereof to be pulled down or destroyed at the expense of such person.

(2) Where a person is convicted of an offence under this section, the fixed engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) Where an order made under this Act defines the mouth of any tributary river, the reference in subsection (1) of this section to the mouth of any river shall be construed as including a reference to the mouth of such tributary river.

Prohibition of bag nets in certain places.

104.—(1) No bag net shall be placed or allowed to continue in any river or estuary or within a distance of three miles from the mouth of any river.

(2) If any bag net is placed or continued in contravention of this section—

(*a*) it shall be deemed a common nuisance and may be taken possession of or destroyed,

(*b*) the owner of such bag net shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not less than five pounds and not more than twenty pounds for each day during which the bag net is so placed or continued.

(3) Where a person is convicted of an offence under this section, the bag net in respect of which the offence was committed and any salmon taken thereby shall, as a statutory consequence of conviction, stand forfeited.

(4) The provisions of this section shall not apply to the placing or continuance, within three miles of the mouth of a river, of a bag net lawfully existing on the 28th day of July, 1863, if the owner of such bag net has the exclusive right of catching salmon in the whole of that river including all tributary rivers and lakes upon the course of that river.

Stake nets not to extend further than from high to low water mark.

105.—(1) If any person—

(*a*) places or erects any stake net or any leader, outrigger or other work of any kind or description whatsoever connected therewith or adjacent thereto in such a manner that it will extend to a greater distance than from high water mark to low water mark of ordinary spring tides, or

(*b*) maintains or uses any stake net or any such leader, outrigger or other work so placed or erected,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than one pound and not more than ten pounds.

(2) This section shall not apply in respect of any head weir not fished by means of a fixed net.

Chapter III.

Regulations as to the Construction and User of Fixed Engines.

Regulations as to construction and user of stake nets and bag nets.

106.—If any person—

(*a*) constructs, maintains or uses a stake net which is capable of taking undersized fish or the fry of salmon or of any other fish, or

(*b*) maintains or uses any stake net, the meshes of the nets whereof are not stretched to their full opening, or

(*c*) maintains or uses a stake net which is so constructed that a clear opening of at least four feet in width cannot be made in the pouches, traps and chambers of such stake net, from the top to the bottom thereof, or

(*d*) maintains or uses any bag net, the meshes of the nets of any leader whereof are not stretched to their full opening, or

(*e*) maintains or uses any bag net which is so constructed that the leaders thereof cannot be raised and kept out of the water,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than one pound and not more than ten pounds.

Chapter IV.

Regulations as to Fishing Weirs and Fishing Mill Dams.

Free gaps in fishing weirs.

107.—(1) In every fishing weir there shall be a free gap or opening in accordance with the following provisions:—

(*a*) the free gap shall be situate in the deepest part of the stream,

(*b*) the sides of the free gap shall be in line with and parallel to the direction of the stream at the weir,

(*c*) the bottom (of the free gap shall be level with the natural bed of the stream above and below the gap,

(*d*) the width of the free gap in its narrowest part shall not in any case be narrower than three feet, and, subject to that limitation, shall not be narrower than one-tenth part of the width of the stream or fifty feet whichever is the less,

(*e*) no existing free gap in any fishing weir shall be reduced in width or a gap of less width substituted therefor or any alteration made therein so as to reduce the flow of water through such gap.

(2) (*a*) Subsection (1) of this section shall not apply to any fishing weir in respect of which an order has been made under paragraph (*b*) of this subsection.

(*b*) Where the breadth of the river, where there is a chartered or patent fishing weir (being a fishing weir existing on the 28th day of July, 1863), does not exceed forty feet and it might be inexpedient to require a free gap to be made therein, the Minister may, if he thinks fit, instead thereof, direct by his order the extension of the weekly close time for a period of twenty-four hours.

(3) Where a free gap has been made in a fishing weir but is not maintained in accordance with subsection (1) of this section, the owner of the fishing weir shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds for each day he is in default.

Operation of fishing weir by Minister or the Electricity Supply Board without free gap.

108.—(1) The Minister may by order authorise the operation of a specified fishing weir belonging to the Minister or the Electricity Supply Board without a free gap, subject to such conditions as to the release upstream of a sufficient number of fish entering the weir as he thinks proper to impose for the purpose of adequately maintaining stocks of such fish, and may by order amend or revoke any order made by him under this section.

(2) Before making an order under this section, the Minister shall cause notice of his intention, containing a draft of the proposed order, to be published and circulated in the locality to be affected by the order and shall consider any objections thereto made to him during one month after the publication of the notice.

(3) For the purposes of this section any contrivance for taking or facilitating the taking of fish associated with hydro-electric works constructed by the Electricity Supply Board shall be deemed to be a fishing weir.

(4) An order under this section shall have effect notwithstanding anything to the contrary in this Act.

(5) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the order is passed by either House within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(6) Notice of the making of every order under this section shall, as soon as may be, be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the area affected by the order, and a copy of the order shall be deposited with the County Registrar for every county and the District Court Clerk of every district which, or any part of which, is affected thereby, and in every station of the Garda Síochána within the area affected thereby.

(7) The Minister may, if he thinks fit, cause a public inquiry to be held into the desirability of making a particular order under this section and for this purpose may appoint an officer of the Minister to hold such inquiry.

(8) The Minister shall cause to be given in accordance with section 322, notice of the holding of an inquiry under this section.

Operation of eel fishing weirs without free gap.

109.—(1) The Minister, if he thinks fit, may by order authorise the operation of a specified eel fishing weir without a free gap, subject to such conditions (if any) as the Minister thinks fit and specifies in the order.

(2) (*a*) The Minister may at any time by order revoke an order under subsection (1) of this section authorising the operation, subject to conditions, of an eel fishing weir without a free gap, if the occupier of such weir—

(i) is convicted of an offence under the repealed enactments or an offence under any provision of this Act, or

(ii) has failed to comply with those conditions.

(*b*) The following provisions shall apply in relation to the revocation under paragraph (*a*) of this subsection of an order made under subsection (1) of this section authorising the operation of an eel fishing weir without a free gap—

(i) the Minister shall not revoke the order unless and until he has given by post to the occupier of such weir at least one fortnight's notice in writing stating that the Minister has under his consideration the revocation of the order and stating the grounds on which the revocation is so under consideration,

(ii) the Minister shall consider any representations in relation to such revocation made to him by the occupier before the expiration of the said notice.

(3) Where an order is made under subsection (1) of this section authorising the operation of an eel fishing weir without a free gap, then, so long as the order remains in force, none of the provisions of this Act relating to free gaps in fishing weirs shall apply in respect of such weir in so far as it is used for the capture of eels only.

Construction of free gaps in fishing weirs.

110.—(1) Whenever, notwithstanding any decision made by the Special Commissioners under the provisions of the Salmon Fishery (Ireland) Act 1863, or any court of competent jurisdiction prior to the 14th day of July, 1939, the Minister is satisfied that there is not in a fishing weir a gap in accordance with section 107, the Minister may cause to be served on the occupier of such fishing weir a notice requiring such occupier to construct, in accordance with the said section 107 and within the time (not being less than one month from the service of such notice) specified in such notice, a free gap in such fishing weir.

(2) Where a notice has been served under subsection (1) of this section on the occupier of a fishing weir, such occupier may, within one month after the service of such notice, apply to the Judge of the Circuit Court within whose jurisdiction such fishing weir is situate for an order quashing such notice on the ground that there is already in such fishing weir a free gap in accordance with section 107, and thereupon the following provisions shall have effect:—

(*a*) such occupier shall give notice to the Minister of the application;

(*b*) such occupier and the Minister shall be entitled to appear on the hearing of the application and to adduce evidence;

(*c*) if such Judge is satisfied that there is already in such fishing weir a free gap in accordance with section 107 he shall quash such notice and direct the Minister to pay to such occupier the costs of the occupier of and incidental to the application, and such notice shall be deemed not to have been served;

(*d*) if such Judge is not so satisfied he shall refuse the application and direct such occupier to pay to the Minister the costs of the Minister of and incidental to the application, and may also amend such notice by extending the time specified in such notice for compliance therewith;

(*e*) the decision of such Judge on the application shall be final and conclusive and not appealable.

(3) Where—

(*a*) a notice has been served under subsection (1) of this section on the occupier of a fishing weir, and

(*b*) either—

(i) such occupier has not duly made, in relation to the notice, an application under subsection (2) of this section, or

(ii) such occupier has duly made, in relation to the notice, an application under the said subsection, but the application has been refused, and

(*c*) the occupier has not complied with the requirements of the notice,

the following provisions shall have effect:—

(I) such occupier shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than fifty pounds and not more than one hundred pounds,

(II) the Minister may (whether proceedings have or have not been taken against such occupier under paragraph (I) of this subsection) enter on such fishing weir and any land adjoining such fishing weir and construct a free gap in such weir.

(4) Where the Minister constructs under this section a free gap in a fishing weir he shall be entitled to recover as a simple contract debt in any court of competent jurisdiction from the occupier of such fishing weir the expenses incurred by the Minister in constructing such free gap.

(5) Where any consequential damages arise out of the construction by the Minister of a free gap in a fishing weir, the occupier of such fishing weir shall be liable for such damages.

(6) This section shall not apply in respect of any fishing weir which is the subject of an order under subsection (2) of section 107.

Penalty for affecting flow of water through free gap by alteration of bed of river.

111.—If any alteration is made in the bed of a river in such manner as to reduce the flow of water through a free gap in a fishing weir, the person making the alteration shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than five pounds and not more than fifty pounds and a further fine of one pound a day until he restores the bed of the river to its original state.

Penalties for fishing in or near free gaps in fishing weirs and obstructing free gaps.

112.—(1) If any person—

(*a*) uses any fishing engine in a free gap, or

(*b*) uses any fishing engine (not being a rod and line) within fifty yards above or below any part of a fishing weir, or

(*c*) places any obstruction in the free gap of a fishing weir, or

(*d*) uses any contrivance or does any act whereby fish may be scared, deterred or in any way prevented from freely entering and passing up and down a free gap at all periods of the year, or

(*e*) places any bridge, board, cloth or any other thing whatsoever in, over or across a free gap in a fishing weir, except a temporary bridge or board during the time only when the persons engaged in the fishing of the said weir are passing over the free gap,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to—

(i) in the case of a first offence under this section, a fine of not less than five pounds and not more than twenty pounds, and,

(ii) in the case of a second or any subsequent offence under this section a fine of not less than ten pounds and not more than fifty pounds.

(2) Where—

(*a*) the owner or occupier of a fishing weir is charged under subsection (1) of this section with the offence of placing an obstruction in the free gap in such fishing weir, and

(*b*) it is proved that such obstruction was placed in such free gap,

it shall be presumed, until the contrary is shown, that such obstruction was placed in such free gap by him.

(3) Where a person is convicted of the offence of placing an obstruction in the free gap in a fishing weir, the Minister may cause such obstruction to be removed and any expenses incurred by the Minister under this subsection shall be a debt due by such person to the Minister and may be recovered as a simple contract debt in any court of competent jurisdiction.

Rules as to boxes in salmon fishing weirs and fishing mill dams.

113.—(1) In this section the expression "salmon weir" means any weir being—

(*a*) a fishing weir used for taking salmon, or

(*b*) a fishing mill dam used for taking salmon.

(2) The following rules shall be observed in relation to the construction and use of boxes in salmon weirs—

(*a*) the surface of the floor of the box shall be level with the natural bed of the river,

(*b*) the inscales and the heck of the box shall be capable of being removed and opened up,

(*c*) the bars of the heck of the box shall be placed perpendicularly,

(*d*) the inscales and the heck of the box shall be so constructed that no bar or part of a bar is nearer to any other bar or part of a bar than two inches,

(*e*) the box shall not be built over or in any other manner hidden from public inspection.

(3) Where the Minister is satisfied that sea trout form the principal part of the fish caught in a salmon weir, he may, if he thinks fit, by order declare that paragraph (*d*) of subsection (2) of this section shall, in relation to such salmon weir, have effect as if the words "one and a quarter inches" were substituted for "two inches".

(4) If any person uses or constructs any box in a salmon weir in contravention of subsection (2) of this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(5) Where a person is convicted of an offence under this section in relation to any box in a salmon weir, the Minister may cause the parts of the said box in respect of which the offence was committed to be removed and may recover the expenses incurred in such removal from such person as a simple contract debt in any court of competent jurisdiction.

Construction of guiding walls appurtenant to fishing weirs and fishing mill dams.

114.—(1) In this section, the expression "guiding wall" means any spur or tail wall, leader or outrigger.

(2) (*a*) There shall not be attached to any fishing weir or fishing mill dam in a river any guiding wall (other than one connecting the boxes of such fishing weir or fishing mill dam with the bank of the river) of greater length than twenty feet measured from the upstream or downstream face of such fishing weir or fishing mill dam along the centre line of such guiding wall.

(*b*) There shall not be attached to any fishing weir any guiding wall which has the effect of narrowing up or preventing the ingress and discharge of water through or from the free gap in such fishing weir.

(*c*) If any fishing weir or fishing mill dam has any guiding wall in contravention of paragraph (*a*) of this subsection or any fishing weir has any guiding wall in contravention of paragraph (*b*) of this subsection, the following provisions shall apply—

(i) the occupier thereof shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and also a further fine not exceeding five pounds for every day during which such guiding wall is allowed to remain;

(ii) the Minister may cause such guiding wall to be altered or removed and, if he does so, the expenses incurred by him in so doing shall be recoverable from such occupier as a simple contract debt in any court of competent jurisdiction.

(3) If the occupier of a fishing weir or fishing mill dam in a river makes such use of any island or natural obstruction in the river as secures to him the advantage he would have obtained by attaching to such fishing weir or fishing mill dam a guiding wall contravening paragraph (*a*) of subsection (2) of this section, he shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and a further fine not exceeding five pounds for every day on which he makes use of such island or natural obstruction.

(4) If any fishing mill dam is used partly for the purpose of sustaining water for a mill or factory or for navigation, nothing contained in this section shall be construed to extend to such fishing mill dam so as to affect injuriously the necessary supply of water to such mill, factory or navigation.

Chapter V.

Dams and Natural Obstructions.

Construction of fish passages in dams for sustaining water for mill power, navigation, irrigation, etc. in salmon rivers.

115.—(1) In this section, the word "dam" means any dam, weir, dyke or other erection placed in or across a salmon river for sustaining the water of such river for mill power, navigation, irrigation or other purposes.

(2) Every dam constructed on or after the 10th day of August, 1842, in or across any salmon river shall be so built or constructed as to permit and allow, in one or more parts thereof, the free run or migration of all fish at all periods of the year and such provision for the free passage of fish through such dam shall be made at the expense of the person constructing such dam and in such manner as the Minister may approve.

(3) With respect to any dam erected before the 10th day of August, 1842, in or across any salmon river, the Minister, if he thinks it necessary for the benefit of the fisheries thereof, on the application of one or more of the persons interested in the fishery of such river and at the proper costs and charges of the persons interested in such fishery, may cause a survey of the said dam to be made and direct such alterations to be made therein or such additional work to be added thereto as shall in the opinion of the Minister be necessary and desirable for the purpose of affording a free and uninterrupted passage to the fish frequenting such river, without impairing the navigation or lessening or impairing the effective working power of the mill or factory to which such dam belongs.

(4) F113**[**Inland Fisheries Ireland**]** may from time to time apply any portion of its funds which it thinks fit for the purpose of making passes in or over dams in any river F114**[**...**]** subject to the sanction of the Minister, under subsection (3) of this section, and upon obtaining such sanction F113**[**Inland Fisheries Ireland**]** may place to the credit of the Minister such sum of money as has been for that purpose approved and sanctioned by him and thereupon it shall be lawful for the Minister to direct and cause such alterations to be made in any dam erected in or across any salmon river for affording a free and uninterrupted passage for fish, pursuant to powers and provisions of subsection (3) of this section.

Fish passes in dams and repair of dams.

116.—(1) Whenever the Minister is satisfied that any dam constructed or placed (whether before, on or after the operative date) in or across any salmon river is so constructed or maintained as not to permit and allow of, in one or more parts thereof, the free run or migration of all fish at all periods of the year, the Minister may cause to be served on the occupier of such dam, a notice requiring such occupier to execute within the time (not being less than one month from the service of such notice) specified in such notice such repairs (including alterations or additions) to such dam as shall appear to the Minister to be necessary or desirable for the purpose of affording a free and uninterrupted passage to the fish frequenting such river.

(2) Where a notice has been served under subsection (1) of this section on the occupier of a dam used in connection with a mill or factory and such occupier, within one month after such service, represents in writing to the Minister that compliance with such notice would adversely affect the operation of such mill or factory, the Minister shall cause a fit and proper person to inquire into and report to him upon such representation and upon the making of the report the following provisions shall apply:—

(*a*) if the report discloses that the execution of the repairs specified in such notice would involve a reduction of more than five per cent in the working horsepower which was available to such mill or factory up to the date of the service of such notice (as measured when the level of the water at such dam is at the average level of the crest of such dam), the Minister shall withdraw such notice and inform such occupier accordingly.

(*b*) if the report discloses that the execution of the said repairs would not involve such a reduction, the following provisions shall have effect:—

(i) the Minister shall serve a copy of such report on such occupier,

(ii) such occupier may, within fourteen days after the service of such copy, send to the Minister a statement in writing objecting to the report and specifying the grounds of his objection,

(iii) if an objection is so sent to the Minister, then—

(I) the Minister shall refer the matter to the President of the Institute of Civil Engineers in Ireland or some person appointed by the said President who may, after investigating the matter, either, as he thinks fit, agree or disagree with the report,

(II) if the person investigating the matter agrees with the report, the Minister shall serve on such occupier a statement informing him accordingly, and such notice shall have effect as if, for the period specified therein for compliance therewith, there were substituted a period of one month, commencing on the day on which such statement was served,

(III) if the person investigating the matter disagrees with the report, the Minister shall withdraw such notice,

(IV) there shall be paid to the person investigating the matter such fee as the Minister, with the consent of the Minister for Finance, may fix, and there shall, in case such person agrees with the report, be paid to the Minister by such occupier a sum equal to the said fee and such sum shall be recoverable by the Minister as a simple contract debt in a court of competent jurisdiction, and when so paid to, or recovered by, the Minister shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct,

(iv) if an objection is not so sent to the Minister, such notice shall have effect as if, for the period specified therein for compliance therewith, there were substituted a period of six weeks commencing on the date on which a copy of the report was served on such occupier.

(3) Whenever the Minister is satisfied that any dam constructed or placed (whether before, on or after the operative date) in any river is so constructed or is so maintained that water which would otherwise be available for the free passage and migration of fish over or past such dam leaks or escapes through or past such dam (otherwise than by being used for the purpose for which it is sustained by such dam) and is thereby not available for such free passage and migration, the Minister may cause to be served on the occupier of such dam a notice requiring such occupier to execute within the time (not being less than one month from the service of such notice) specified in such

notice such repairs (including renewals and reconstruction) to such dam as shall appear to the Minister to be requisite and shall be specified in such notice.

(4) Where a notice served under subsection (1) of this section has been withdrawn under subsection (2) of this section such notice shall be deemed not to have been served.

(5) Where a notice has been served under either subsection (1) or subsection (3) of this section on the occupier of a dam, and such occupier has not complied with the requirements of such notice, the following provisions shall have effect, that is to say:—

(*a*) such occupier shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than fifty pounds and not more than one hundred pounds,

(*b*) the Minister may (whether proceedings have or have not been taken against such occupier under paragraph (*a*) of this subsection) enter on such dam and any land adjoining such dam and execute on such dam the repairs specified in such notice.

(6) Where the Minister executes under this section any repairs to a dam he shall be entitled to recover as a simple contract debt in any court of competent jurisdiction from the occupier of such dam the expenses incurred by the Minister in the execution of such repairs.

(7) The Minister shall not be liable for any consequential damages to any property or person arising out of the execution by him of any repairs to a dam under this section.

(8) Whenever the Minister is entitled under this section to serve a notice requiring repairs to a dam to be executed, the Minister may, before serving such notice, cause such dam to be inspected and examined, and any officer of the Minister or any other person appointed by the Minister to make such inspection and examination shall be entitled to enter for that purpose at all reasonable times on such dam and any land adjoining thereto.

(9) The powers conferred on the Minister by this section shall be in addition to and not in substitution for the powers of the Minister under section 115.

Alteration of abandoned and disused dams.

117.—(1) Whenever the Minister is satisfied that any dam constructed or placed in any river has been abandoned or disused for not less than five years or has not during that period effectively been used for the purpose for which it was constructed and directly or indirectly obstructs or contributes to the obstruction of the free passage and migration of fish or affords facilities for the unlawful destruction of fish, the Minister may cause to be served on any person who appears to him to be the owner or the occupier of such dam a notice requiring such person to execute within the time (not being less than one month from the service of such notice) specified in such notice such alterations (including additions and complete or partial removal) of such dam as shall appear to the Minister to be requisite for securing the free passage and migration of fish or removing the facilities for the unlawful destruction of fish (as the case may be) and shall be specified in such notice.

(2) Where a notice has been served under subsection (1) of this section and the alterations specified in such notice are not executed within the time specified in that behalf in such notice, the Minister may enter on the dam to which such notice relates and any land adjoining such dam and execute the said alterations of such dam.

(3) Where the Minister executes under this section any alterations of a dam and is satisfied that such alterations became necessary by reason of the wilful neglect of the owner or the occupier of such dam, the Minister may recover as a simple contract debt in any court of competent jurisdiction from such owner or occupier the expenses incurred by the Minister in the execution of such alterations.

(4) Whenever the Minister is entitled under this section to serve a notice requiring alterations of a dam to be executed, the Minister may, before serving such notice, cause such dam to be inspected and examined, and any officer of the Minister or other person appointed by the Minister to make such inspection and examination shall be entitled for that purpose to enter at all reasonable times on such dam and any land adjoining thereto.

(5) The Minister shall not be liable for any charges for the maintenance of any dam required by him to be altered or altered by him under this section, or for any consequential damages to any property or person arising out of such alteration or the carrying out thereof.

(6) Whenever the Minister proposes, in relation to any abandoned or disused dam which was constructed or placed in a river for or in connection with the sustaining of water for navigation, to serve a notice or execute any alterations under this section, he shall consult with the Minister for Industry and Commerce before serving such notice or executing such alterations.

Alteration or removal of natural obstructions in rivers to allow free migration of fish.

118.—(1) If in any river, reefs or ledges of rocks, shoals or other natural obstructions prevent or impede the free passage and migration of fish, and hinder the approach of fish to the upper parts of the said river or any lakes communicating therewith and depositing their spawn therein, the Minister, if he so thinks fit, may, upon the application of any person who is interested in the fishery of such river or lake and who deposits or secures a sum of money sufficient for the purpose, construct, authorise or contract with any person interested in the fisheries in the said river to construct such works and make such alterations in the bed of such river as shall effectually secure a free and uninterrupted passage at all seasons of the year for fish.

(2) The plans, sections, specifications and contracts for all works or alterations authorised under this section shall be subject to the previous sanction of the Minister.

(3) For the purpose of executing any work under this section and ascertaining all compensation for damage and other matters in relation thereto, the Minister and his officers and servants shall have the powers and authorities vested in the Commissioners of Public Works in Ireland under and by virtue of the statutes in that behalf made and provided.

(4) No work or alteration under this section in the bed of any river shall be made in such a manner as to injure the effective power of any mill or factory or in any way to impede or interrupt the drainage of lands adjoining such river.

(5) Reasonable compensation shall be made by the parties on whose application any works are authorised under this section for any damage or injury done or to be done or suffered consequently or otherwise in the execution of such works.

(6) F115**[**Inland Fisheries Ireland**]** may from time to time apply any portion of its funds which it thinks fit for the purpose of removing or making passes in or over natural obstructions in any river F116**[**...**]**, subject to the sanction of the Minister, under the preceding subsections of this section, and upon obtaining the sanction of the Minister F115**[**Inland Fisheries Ireland**]** may place to the credit of the Minister such sum of money as has been for that purpose approved and sanctioned by him and thereupon it shall be lawful for the Minister to construct such works and make such alterations in the bed of any river as shall effectually secure a free and uninterrupted passage for fish, pursuant to the powers and provisions of the preceding subsections of this section.

Offences in relation to fish passes made under section 62 or 63 of the Fisheries (Ireland) Act 1842, or section 115 or 118.

119.—(1) In this section "fish pass" means a fish pass made under section 62 or 63 of the Fisheries (Ireland) Act 1842 or section 115 or 118.

(2) If any person—

(*a*) takes, kills or destroys any fish in a fish pass, or

(*b*) hangs, fixes, uses or sets in a fish pass any fishing engine, or

(*c*) places any obstruction, uses any contrivance or does any act whereby fish may be scared, deterred or in any way prevented from freely passing up and down through a fish pass at all periods of the year, or

(*d*) fails to preserve a fish pass free from every obstruction,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds, and, if the offence is that of placing any obstruction or contrivance in a fish pass, the Court shall order the removal thereof at the expense of the offender.

(3) Where—

(*a*) it is alleged in a complaint and proved that an offence under this section was committed in such circumstances as to afford reasonable grounds for believing that the offence was committed—

(i) by some person in the employment or under the control of the owner or occupier of a mill or factory, or

(ii) with the knowledge or connivance of such owner or occupier or of the person in charge of such mill or factory, or

(iii) through the default of reasonable precaution on the part of such owner or occupier to prevent such offence, and

(*b*) it is alleged in the complaint and proved that the offence was committed, but that the person who committed the offence is unknown or cannot be found, and

(*c*) the owner or occupier of the mill or factory is charged with such offence,

such owner or occupier shall be deemed to be guilty of such offence and shall be punishable accordingly.

Penalty for using fishing engine within hundred yards of certain dams.

120.—(1) If any person uses any fishing engine (except rod and line) for taking fish within two hundred yards above or below any dam used for supplying water to mills or factories or for navigation, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than ten pounds.

(2) Where a person is convicted of an offence under this section, the fishing engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) Subsection (1) of this section shall not apply in respect of the use of any fishing engine in any place within two hundred yards of any such dam as is mentioned in the said subsection where the right to use such fishing engine was exercised in that place by any person lawfully possessed of a several fishery therein for twenty years next before the 14th day of August, 1850.

Penalty for using fishing engine at or within fifty yards of a mill dam to which there is no fish pass.

121.—(1) Notwithstanding anything contained in section 120 it shall not be lawful for any person, though possessed of a several fishery in respect of which a right to use a fishing engine at any place within two hundred yards of a mill dam was exercised for twenty years next before the 14th day of August, 1850, to use any fishing engine (except rod and line) at or within fifty yards above or below such mill dam unless—

(*a*) there is attached to such mill dam a fish pass of such form and dimensions as may be approved of by the Minister, and

(*b*) such fish pass has constantly running through it such flow of water as will enable salmon to pass up and down it.

(2) If any person contravenes subsection (1) of this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than five pounds and not more than twenty pounds.

Provisions in relation to wheel sluices, etc., of mills, etc., deriving water from salmon rivers.

122.—(1) In this section—

the word "mill" includes any factory, machine, building or other work by or for which water is taken or used for any purpose, but does not include any work for the generation, by means of hydraulic power, of electricity, for distribution and supply to the public;

the expression "wheel sluices", in relation to a mill, means the sluices which admit water to the wheels of such mill.

(2) The following provisions shall apply in relation to every mill which derives its supply of water from a salmon river—

(*a*) in case there is a fish pass in the dam belonging to the mill, the wheel sluices and the waste gates or over-falls shall be kept shut,—

(i) for twenty-four consecutive hours in each week between the hour of 6 o'clock p.m. on Saturday and the hour of 6 o'clock a.m. on the next following Monday, and

(ii) during any other period when the mill is not being worked;

(*b*) in case there is no fish pass in the dam belonging to the mill and the waste gate on the upstream side of the wheel sluices is erected in a channel suitable for the passage of fish, the wheel sluices shall be kept shut and the said waste gate kept open—

(i) for twenty-four consecutive hours in each week between the hour of 6 o'clock p.m. on Saturday and the hour of 6 o'clock a.m. on the next following Monday, and

(ii) during any other period when the mill is not being worked;

(*c*) if the provisions of paragraph (*a*) or paragraph (*b*) of this subsection are not complied with, the occupier of the mill shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than three pounds and not more than ten pounds.

(3) Where the occupier of a mill is charged with an offence under this section, it shall be a good defence to prove that compliance with paragraph (*a*) or paragraph (*b*) (whichever is applicable) of subsection (2) of this section would in any way have injuriously interfered with the machinery or water power of the mill.

Gratings in watercourses diverted from rivers to prevent entry therein of salmon or trout.

123.—(1) The following provisions shall apply in respect of every watercourse, cut, channel or sluice constructed, for the purpose of conveying water from any salmon river, for the supply of towns or the irrigation of land or as moving power for machinery or for any other purpose, other than the supply of water for navigation or for fish ponds:—

(*a*) there shall be placed at the points of divergence from and return to such river, of such watercourse, cut, channel or sluice and above and below such sluice a grating (the space between the bars whereof shall not exceed two inches in any place) extending across the whole width of such watercourse, cut, channel or sluice and from the bottom of the bed or sill thereof to the level of the highest winter or flood waters,

(*b*) during the months of March, April and May and such other periods of the year as the brood of salmon or trout shall be descending such river, there shall be placed or stretched over the entire surface of each such grating a wire lattice or network of such dimensions as will effectually prevent the admission of salmon fry or other small fish into such watercourse, cut, channel or sluice,

(*c*) each such grating, lattice or network shall be secured and fixed in such a manner as to prevent its being removed or opened and shall be kept in constant repair.

(2) If, in respect of any watercourse, cut, channel or sluice to which subsection (1) of this section applies, the provisions of the said subsection are not complied with, the owner, lessee or occupier of any premises to which such watercourse, cut, channel or sluice leads or other person making or using or having the care and maintenance of such watercourse, cut, channel or sluice, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(3) If, in respect of any watercourse, cut, channel or sluice to which subsection (1) of this section applies and which was constructed for the purpose of conveying water as a moving power for machinery, it is proved to the satisfaction of the Minister that exemption during any period from the obligations imposed in respect thereof by the said subsection (1) is necessary for the effective working of such machinery, the Minister may grant such exemption.

(4) The Minister may revoke the grant of an exemption made under section 4 of the Salmon Fishery (Ireland) Act 1869, or under subsection (3) of this section.

Obligations of owners of hydraulic machines supplied from salmon rivers.

124.—(1) Where a turbine or similar hydraulic machine, which may be injurious to salmon in their descent to the sea, is supplied from a salmon river, it shall be the duty of the person owning or using such machine to provide, during the time in which such descent to the sea takes place, a grating or other efficient means to prevent such salmon from passing into such machine.

(2) If any person upon whom a duty is imposed by subsection (1) of this section neglects to perform that duty, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and to a further fine not exceeding five pounds for each day during which such neglect continues.

Penalty for taking fish, etc. in works or watercourses appurtenant to mills or factories.

125.—(1) If any person, in any season of the year, in any mill pool or mill dam or in any works appurtenant to any mill or factory or in any of the watercourses leading the water to or from any mill or factory, uses any fishing engine (except rod and line being lawfully used) or uses any means whatsoever for the purpose of taking, destroying or obstructing any salmon or other fish, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(2) When a person is convicted of an offence under this section the fishing engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) Where—

(*a*) it is alleged in a complaint and proved that an offence under this section was committed by means of shutting down or closing any sluice gate which is under the exclusive power of the occupier of a mill or factory, and

(*b*) it is alleged in the complaint and proved that the offence was committed but that the person who committed the offence is unknown or cannot be found, and

(*c*) the occupier of that mill or factory is charged with such offence,

such occupier shall be deemed to be guilty of such offence and shall be punishable accordingly.

(4) Where—

(*a*) it is alleged in a complaint and proved that an offence under this section was committed in such circumstances as to afford reasonable grounds for believing that the offence was committed—

(i) by some person in the employment or under the control of the owner or occupier of a mill or factory, or

(ii) with the knowledge or connivance of such owner or occupier or of the person in charge of such mill or factory, or

(iii) through the default of reasonable precaution on the part of such owner or occupier to prevent such offence, and

(*b*) it is alleged in the complaint and proved that the offence was committed, but that the person who committed the offence is unknown and cannot be found, and

(*c*) the owner or occupier of the mill or factory is charged with such offence under this section,

such owner or occupier shall be deemed to be guilty of such offence and shall be punishable accordingly.

PART IX.

Restrictions as to Times of Fishing for Salmon, Trout, Pollen and Eels, and Ancillary Provisions.

Chapter I.

Salmon and Trout.

Division I.

Annual close season for salmon and trout.

Annual close season for salmon and trout.

126.—(1) In this Act, the expression "the annual close season for salmon and trout" means, in relation to any locality, the period during which it is declared by a bye-law, for the time being in force and applicable to that locality, made under this Act, to be unlawful to take or fish for salmon or trout with engines other than rod and line.

(2) The provisions set out in the Fifth Schedule to this Act shall apply in relation to bye-laws altering the annual close season for salmon and trout.

Penalties for fishing, otherwise than by rod and line, for salmon or trout during annual close season for salmon and trout.

127.—(1) If any person wilfully fishes or takes or aids or assists in taking or fishing for salmon or trout during the annual close season for salmon and trout, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than twenty-five pounds, together with a further fine of two pounds for every salmon or trout so taken by him.

(2) Where a person is convicted of an offence under this section, every salmon and trout taken by him and every fishing engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) This section shall not apply to the lawful fishing for or taking of salmon or trout by rod and line.

Dismantlement of fixed engines during the annual close season for salmon and trout.

128.—(1) During the annual close season for salmon and trout—

(*a*) every bag net and stake net shall be removed from the poles or fixtures to which it is attached and carried away,

(*b*) there shall be made and maintained in every fixed engine (other than a bag net or a stake net) a clear opening of four feet in width in the heads, traps, eyes or gaps from the top to the bottom thereof so as to allow the free passage of all fish through them and effectually to prevent the taking of fish therein.

(2) If in respect of any fixed engine the provisions of subsection (1) of this section are not complied with, the occupier thereof shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and, in the case of a continuing offence, a further fine not exceeding five pounds for every day during which the offence is continued.

(3) Where a person is convicted of an offence under this section, the fixed engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(4) Nothing in subsection (2) of this section shall be construed as rendering liable to any penalty any person who was prevented by floods, storm or stress of weather from removing the things mentioned in paragraph (*a*) of subsection (1) of this section during the continuance of such prevention.

(5) Where the predecessor in title of any person was on the 10th day of August, 1842, lawfully entitled by charter or prescriptive right to use any fixed engine in the tideway of a river for the purpose of catching white sea fish, the provisions of subsection (1) of this section shall not apply in respect of such fixed engine if it is used for the said purpose and no other.

Dismantlement of salmon fishing weirs and fishing mill dams during the annual close season for salmon and trout.

129.—(1) In this section—

the expression "salmon weir" means any weir being—

(*a*) a fishing weir for taking salmon, or

(*b*) a fishing mill dam for taking salmon;

the expression "moveable parts" means, in relation to a salmon weir,—

(*a*) the inscales and heck of every box in such salmon weir, and

(*b*) all other fittings and articles used in connection with the boxes in such salmon weir which are capable of removal;

the expression "the annual close season" means the annual close season for salmon and trout.

(2) Within thirty-six hours of the commencement of the annual close season, all the moveable parts of a salmon weir shall be removed and carried away therefrom.

(3) The moveable parts of a salmon weir shall not be placed therein or thereon earlier than thirty-six hours before the expiration of the annual close season.

(4) During the annual close season (except the first and the last thirty-six hours thereof) the moveable parts of a salmon weir shall not be allowed to remain therein or thereon.

(5) If in respect of any salmon weir the provisions of subsection (2), (3) or (4) of this section are contravened (by act or omission) the occupier thereof shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and, in the case of a continuing offence, a further fine not exceeding five pounds for every day during which the offence is continued.

(6) Where the occupier of a salmon weir is convicted of an offence under this section, every moveable part in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(7) Nothing in subsection (5) of this section shall be construed as rendering liable to any penalty any occupier of a salmon weir who was prevented by floods, storm or stress of weather from complying with subsection (2) of this section during the continuance of such prevention.

(8) Where the occupier of a salmon weir is convicted of an offence under this section—

(*a*) the Minister may cause to be removed from such salmon weir the moveable parts in respect of which such offence was committed,

(*b*) where the Minister removes the said moveable parts he shall be entitled to recover as a simple contract debt in any court of competent jurisdiction from the said occupier the expenses incurred in so doing.

(9) Where—

(*a*) the predecessor in title of an owner of a salmon weir was, on the 10th day of August, 1842, entitled by patent charter or otherwise to a right of fishing for eels therein, and

(*b*) the said predecessor exercised such right before the said date,

the owner of such salmon weir shall not be liable to any penalty under subsection (5) of this section by reason of his placing, hanging or using eel nets or other engines for taking eels in the eyes or gaps of such salmon weir, if such eel nets or engines are used only in conformity with the Acts and are hung only in four-fifths in number of the eyes or gaps of such salmon weir, and the other one-fifth of such eyes or gaps, in addition to the free gap (if any) therein, are kept free and unobstructed for the free passage of fish, but this provision shall not exempt such owner from liability under section 127 if any salmon or trout are taken in such salmon weir during the annual close season.

Removal of nets from banks of rivers during the annual close season for salmon and trout.

130.—(1) If any person engaged in fishing for salmon by means of nets of any kind or description omits or neglects to remove and carry away from any strand or from the banks of any river or from the vicinity thereof such nets during the annual close season for salmon and trout such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than ten pounds.

(2) Where a person is convicted of an offence under this section, the nets in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Penalty for obstructing or disturbing salmon or trout during the annual close season for salmon and trout.

131.—Every person who, during the annual close season for salmon and trout wilfully obstructs the passage of salmon or trout or the smolts or fry thereof or injures or disturbs any salmon or trout, or any spawn, fry or smolts thereof or injures or disturbs any spawning bed, bank or shallow where such spawn, fry or smolts may be, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than twenty-five pounds, or, at the discretion of the Court, to imprisonment for any period not less than one month and not more than twelve months.

Penalty for use of nets during annual close season for salmon and trout.

132.—(1) If any person, during the annual close season for salmon and trout, does any of the following things—

(*a*) places, affixes or attaches any net to any stake, bridge, sluice or lock gates of a canal or other such fixed erections, or

(*b*) lays, draws or fishes with any net whatsoever, except a net being lawfully used for the taking of eels,

such person shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding ten pounds.

(2) Where a person is convicted of an offence under this section, the net in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Penalty for using boat for capture of salmon or trout during the annual close season for salmon and trout.

133.—F117**[**...**]**

Penalties for buying, etc., salmon or trout during the annual close season for salmon and trout.

134.—(1) If any person buys, sells, exposes for sale, or has in his custody or possession any salmon or trout taken from any waters, during the period which is, in relation to those waters, the annual close season for salmon and trout, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than twenty-five pounds, together with a further fine of two pounds for every such salmon or trout so bought, sold or exposed for sale by him or so in his custody or possession.

(2) Where a person is convicted of an offence under this section, every salmon or trout in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) In any proceedings under subsection (1) of this section, proof that a person bought, sold or exposed for sale or had in his custody or possession any salmon or trout during the period which is, in relation to any waters, the annual close season for salmon and trout, shall be prima facie evidence that such salmon or trout was

taken during the period which is the annual close season for salmon and trout in the waters from or in which such salmon or trout may have been taken.

(4) Where—

(*a*) a person is charged with an offence under this section in relation to a salmon or trout, and

(*b*) such person proves that the salmon or trout was caught by rod and line in a particular place and at a particular time, and

(*c*) the capture of salmon or trout by rod and line in that place and at that time was lawful,

the charge against such person shall be dismissed.

Division II.

Prohibition of export of salmon caught at certain times.

Prohibition of export of salmon caught at certain times.

135.—(1) If any person exports or attempts to export any salmon caught during the time at which the capture of salmon is prohibited by law in the waters where such first-mentioned salmon was caught, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds for each salmon so exported or attempted to be exported.

(2) Where a person is convicted of an offence under this section, any salmon in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Division III.

Prohibition of capture of trout in January and part of February.

Prohibition of capture, sale, etc., of trout in January and part of February.

136.—(1) It shall not be lawful for any person to take, kill, destroy, buy, sell, expose for sale or have in his possession any trout during the period commencing on the 1st day of January and ending on the 14th day of February in any year.

(2) If any person takes, kills, destroys, buys, sells, exposes for sale or has in his possession any trout in contravention of this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than twenty-five pounds, together with a further fine not exceeding two pounds for each trout so taken, killed, destroyed, bought, sold, exposed for sale or found in his possession.

Division IV.

Annual close season for angling for salmon.

Annual close season for angling for salmon and penalties for angling for salmon therein.

137.—(1) (*a*) Subject to paragraphs (*b*) and (*c*) of this subsection, the annual close season for angling for salmon shall, for the purposes of this Act, be the period commencing on the 13th day of October in each year and ending on the 31st day of January in the next following year.

(*b*) Where—

(i) there is in relation to any locality a bye-law (whether applicable to angling for both salmon and trout or to angling for salmon only) in force, deemed to have been made under this Act, fixing a period during which it is declared by that bye-law to be unlawful to angle for salmon, and

(ii) such bye-law includes as part of the said period the October close period for angling,

then, for the purposes of this Act, the annual close season for angling for salmon in that locality shall, so long as that bye-law is in force, be the period fixed by that bye-law.

(*c*) Where—

(i) there is in relation to any locality a bye-law (whether applicable to angling for both salmon and trout or to angling for salmon only) in force, deemed to have been made under this Act, fixing a period during which it is declared by that bye-law to be unlawful to angle for salmon, and

(ii) such bye-law does not include as part of the said period the October close period for angling,

then, for the purposes of this Act, the annual close season for angling for salmon in that locality shall, so long as that bye-law remains in force, be—

(I) the October close period for angling, and

(II) the period fixed by that bye-law.

(*d*) The provisions set out in the Fifth Schedule to this Act shall apply in relation to bye-laws altering the annual close season for angling for salmon.

(2) (*a*) If, during the annual close season for angling for salmon, any person wilfully fishes for or takes salmon with rod and line or aids or assists in taking or fishing for salmon with rod and line, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than twenty-five pounds, together with a further fine of two pounds for every salmon so taken by him.

(*b*) Where a person is convicted of an offence under this section, every salmon taken by him and the rod and line used in the commission of the offence shall, as a statutory consequence of conviction, stand forfeited.

Division V.

Annual close season for angling for trout.

Annual close season for angling for trout and penalties for angling for trout therein.

138.—(1) (*a*) Subject to paragraphs (*b*) and (*c*) of this subsection, the annual close season for angling for trout in a particular locality shall, for the purposes of this Act, be the period during which it is declared, by a bye-law (whether applicable to angling for both salmon and trout or to angling for trout only), for the time being in force and applicable to that locality, made under this Act, to be unlawful to angle for trout.

(*b*) Where—

(i) there is in relation to any locality a bye-law (whether applicable to angling for both trout and salmon or to angling for trout only), in force, deemed to have been made under this Act, fixing a period during which it is declared by that bye-law to be unlawful to angle for trout, and

(ii) such bye-law includes as part of the said period the October close period for angling,

then, for the purposes of this Act, the annual close season for angling for trout in that locality shall, so long as that bye-law is in force, be the period fixed by that bye-law.

(*c*) Where—

(i) there is in relation to any locality a bye-law (whether applicable to angling for both trout and salmon or to angling for trout only) in force, deemed to have been made under this Act, fixing a period during which it is declared by that bye-law to be unlawful to angle for trout, and

(ii) such bye-law does not include as part of the said period the October close period for angling,

then, for the purposes of this Act, the annual close season for angling for trout in that locality shall, so long as that bye-law remains in force, be—

(I) the October close period for angling, and

(II) the period fixed by that bye-law.

(*d*) The provisions set out in the Fifth Schedule to this Act shall apply in relation to bye-laws altering the annual close season for angling for trout.

(2) (a) If, during the annual close season for angling for trout, any person wilfully fishes for or takes trout with rod and line or aids or assists in taking or fishing for trout with rod and line, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than twenty-five pounds, together with a further fine of two pounds for every trout so taken by him.

(*b*) Where a person is convicted of an offence under this section, every trout taken by him and the rod and line used in the commission of the offence shall, as a statutory consequence of conviction, stand forfeited.

Division VI.

Weekly close time.

139.—(1) Subject to subsections (2) and (3) of this section, in this Act, the expression "the weekly close time" means the period commencing at 6 o'clock a.m. on Saturday and ending at 6 o'clock a.m. on the next following Monday.

Weekly close time.

F118**[**(2) Where bye-laws under section 9 are in force varying the weekly close time referred to in subsection (1) or (3) of this section, references in this Act to that weekly close time shall be construed as references to that weekly close time as so varied.**]**

(3) In this Act, the expression "the weekly close time" means, in relation to any fishing weir which is the subject of an order under subsection (2) of section 107, the period commencing at 6 o'clock a.m. on Saturday and ending at 6 o'clock a.m. on the next following Monday with the extension of a period of twenty-four hours as directed by the order.

Penalties for fishing, otherwise than by rod and line, for salmon or trout during the weekly close time.

140.—(1) If any person fishes for or takes any salmon or trout during the weekly close time, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than ten pounds and not more than fifty pounds.

(2) Where a person is convicted of an offence under this section, the fishing engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) This section shall not apply to lawful fishing for or taking salmon or trout by rod and line.

Penalty for preventing fish from passing through boxes during weekly close time.

141.—If any person, during the weekly close time,—

(*a*) uses any means or contrivance to prevent the free passage of fish through any box, gap or sluice gate in a fishing weir or fishing mill dam or through any fixed engine, or

(*b*) in any way wilfully frightens or scares or attempts to frighten or scare any fish from passing through such box, gap or sluice gate, or through the traps or eyes of such fixed engine,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than ten pounds and not more than fifty pounds.

Provisions in relation to offences under sections 140 and 141.

142.—(1) Where an offence under section 140 or 141 has been committed in relation to any fishery, then if—

(*a*) such offence was committed by a person in the employment or under the control of the owner or occupier of such fishery, or

(*b*) such offence was committed by a person (other than such owner or occupier or a person in the employment or under the control of such owner or occupier) and was facilitated by the failure of such owner or occupier to take reasonable precautions against the commission of such offence,

such owner or occupier shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

(2) Where—

(*a*) an offence under section 140 or 141 has been committed in relation to any fishery by a person in the employment or under the control of the owner or occupier of such fishery, and

(*b*) such owner or occupier is, by virtue of subsection (1) of this section, charged with such offence,

it shall be a good defence for such owner or occupier to prove—

(i) that he used due diligence to prevent such commission, and that the offence was committed without his consent, connivance or wilful default, and

(ii) that on being charged with the offence he gave to the person charging him all information in his power with respect to the person who committed the offence.

Provisions to be observed in relation to certain fixed engines during the weekly close time.

143.—(1) During the weekly close time—

(*a*) a clear opening of at least four feet in width shall be made and kept free from obstruction in the traps or heads of each stake net used for catching salmon and in the eyes or gaps of each head weir used for catching salmon from the top to the bottom thereof, so as to allow the free passage of fish through them and effectually to prevent the taking of fish therein,

(*b*) the netting of the leader of every bag net used for catching salmon shall be raised and kept out of the water.

(2) If, in respect of any stake net, head weir or bag net the provisions of subsection (1) of this section are not complied with, the occupier thereof shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than ten pounds and not more than fifty pounds.

(3) Where a person is convicted of an offence under this section, the fixed engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(4) Nothing in this section shall be construed as rendering liable to any penalty any person who was prevented by floods, storm or stress of weather from complying with subsection (1) of this section during the continuance of such prevention.

Provisions to be observed in relation to salmon fishing weirs and fishing mill dams during weekly close time.

144.—(1) In this section, the expression "salmon weir" means any weir being—

(*a*) a fishing weir for taking salmon, or

(*b*) a fishing mill dam for taking salmon.

(2) During the weekly close time the inscales and the heck of each box in a salmon weir shall either—

(*a*) be removed, or

(*b*) be opened out in such manner that a clear opening of not less than four feet in width is left open therein from the top to the bottom of the box and a free, direct and uninterrupted space of the said width is effectually secured for the passage of all fish, both up and down, through the box.

(3) If in respect of any salmon weir the provisions of subsection (2) of this section are not complied with, the occupier thereof shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than ten pounds and not more than fifty pounds in respect of each box in such salmon weir the inscales and heck whereof are not removed or opened out as required by the said subsection (2).

(4) Where the occupier of a salmon weir is convicted of an offence under this section, the inscales and heck of each box in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(5) Nothing in subsection (4) of this section shall be construed as rendering liable to any penalty any person who was prevented by floods, storm or stress of weather from complying with subsection (2) of this section during the continuance of such prevention.

Penalty for scaring or obstructing free passage of salmon or trout during the weekly close time.

145.—(1) If any person scares, impedes or obstructs the free passage of salmon or trout during the weekly close time, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than ten pounds.

(2) Where a person is convicted of an offence under this section any net or instrument used by him in the commission of the offence and any fish taken by him thereby shall, as a statutory consequence of conviction, stand forfeited.

(3) This section shall not apply to any person who takes fish lawfully by rod and line during the weekly close time.

Penalty for use of nets during weekly close time.

146.—(1) If any person, during the weekly close time, does any of the following things—

(*a*) places, affixes or attaches any net to any stake, bridge, sluice or lock gates of a canal or other such fixed erections, or

(*b*) lays, draws or fishes with any net whatsoever, except a net being lawfully used for the taking of eels,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(2) Where a person is convicted of an offence under this section, the net in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Penalty for using boat for capture of salmon or trout during the weekly close time.

147.—F119**[...]**

Chapter II.

Pollen.

Annual close season for pollen.

148.—(1) In this Act, the expression "the annual close season for pollen" means, in relation to any locality,

(*a*) in case any bye-law under this Act is for the time being in force, fixing the period during which it is unlawful to take pollen in that locality, the period so fixed,

(*b*) in any other case, the period commencing on the 1st day of November in any year and ending on the 31st day of January in the next following year.

(2) The provisions set out in the Fifth Schedule to this Act shall apply in relation to bye-laws altering the annual close season for pollen.

Penalties for fishing for, etc. pollen during the annual close season for pollen.

149.—(1) if any person wilfully fishes for or takes or aids or assists in taking or fishing for pollen during the annual close season for pollen, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than twenty-five pounds, together with a further fine of two pounds for every pollen so taken by him.

(2) Where a person is convicted of an offence under this section, every pollen taken by him and the fishing engine used in the commission of the offence shall, as a statutory consequence of conviction, stand forfeited.

Penalties for buying, etc. pollen during the annual close season for pollen.

150.—(1) If any person buys, sells, exposes for sale, or has in his custody or possession any pollen taken from any waters, during the period which is, in relation to those waters, the annual close season for pollen, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than two pounds and not more than twenty-five pounds, together with a further fine of two pounds for every such pollen so bought, sold or exposed for sale by him or so in his custody or possession.

(2) Where a person is convicted of an offence under this section, every pollen in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) In any proceedings under subsection (1) of this section, proof that a person bought, sold or exposed for sale or had in his custody or possession any pollen during the period which is, in relation to any waters, the annual close season for pollen shall be *prima facie* evidence that such pollen was taken during the period which is the annual close season for pollen in the waters from or in which such pollen may have been taken.

(4) In this section the word "waters" includes any river, lake, estuary or any part of the sea adjacent to the coast.

Chapter III.

Eels.

Annual close season for eels.

151.—(1) In this Act, the expression "the annual close season for eels" means, in relation to any locality,

(*a*) in case any bye-law under this Act is for the time being in force fixing the period during which it is unlawful to fish for eels in that locality, other than by rod and line, the period so fixed,

(*b*) F120**[**...**]**

(2) The provisions set out in the Fifth Schedule to this Act shall apply in relation to bye-laws altering the annual close season for eels.

Restrictions on fishing for eels during annual close season for eels.

152.—(1) Every person who, during the annual close season for eels, wilfully takes or fishes for or aids or assists in taking or fishing for eels otherwise than with rod and line shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(2) Where a person is convicted of an offence under this section any eel taken by him shall, as a statutory consequence of conviction, stand forfeited.

Penalty for placing, etc., fishing engines for taking eels in eyes, etc., of fishing weir or fishing mill dam during annual close season for eels or during daytime.

153.—(1) If any person places or hangs any fishing engine for taking eels in the eye, gap or sluice gate of any fishing weir or fishing mill dam during—

(*a*) the annual close season for eels, or

(*b*) the day-time within any period which is not the annual close season for eels,

then, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than ten shillings and not more than five pounds for each such engine so placed or hung.

(2) Where a person is convicted of an offence under this section, the fishing engine in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) Where—

(*a*) a person is charged with an offence under this section, and

(*b*) it is proved that at a particular time a fishing engine for taking eels was placed or was hanging in the eye, gap or sluice gate of a fishing weir or fishing mill dam, and

(*c*) it is proved that such person was at that time the occupier of the fishing weir or fishing mill dam,

it shall, until the contrary is proved, be presumed that the fishing engine was so placed or hung by him.

F121**[**PART X.

Restrictions on Sale and Export for Sale of Salmon, Trout, Molluscan Shellfish and Eels**]**

F122**[**Definition.

154.— In this Part—

the expression "certificate of fitness" means a certificate granted under section 158;

the word "inspector" means any person being—

(*a*) a person appointed by the Minister or F123**[**Inland Fisheries Ireland**]** to be an inspector for the purposes of this Part,

(*b*) a member of the Garda Síochána, or

(*c*) in the case of the exercise by an inspector of powers under this section in the Moville Area, an inspector appointed under section 55 of the Foyle Fisheries Act 1952;

the expression "Part X licence" means a licence being—

(*a*) a salmon dealer's licence, or

(*b*) an eel dealer's licence, or

(*c*) a molluscan shellfish dealer's licence;

the expression "salmon dealer's licence" means a licence issued under subsection (1) of section 159 to deal in salmon and trout;

the expression "eel dealer's licence" means a licence issued under subsection (1) of section 159 to deal in eels;

the expression "molluscan shellfish dealer's licence" means a licence issued under subsection (1) of section 159 to deal in molluscan shellfish;

the word "trout" includes fish commonly called or known as rainbow trout.**]**

F124**[**Exemption of preserved salmon, trout, eels and molluscan shellfish.

155.—This Part shall not apply in respect of salmon, trout, eels or molluscan shellfish preserved and sold in tins, bottles, jars or other sealed packaging holding only portions of salmon, trout, eels or molluscan shellfish or products thereof.**]**

F125**[**Restrictions on sale, etc. of salmon, trout, eels and molluscan shellfish.

156.— (1) It shall not be lawful for any person to sell, expose for sale or keep for sale at any place salmon, trout, eels or molluscan shellfish unless—

(*a*) such person is the holder of a salmon, eel or molluscan shellfish dealer's licence as appropriate, for the time being in force, and

(*b*) such place is a place at which he is authorised by that licence to sell salmon and trout, eels or molluscan shellfish as appropriate.

(2) If any person contravenes subsection (1) of this section, such person shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding £500 together with an amount not exceeding £50 for each salmon, £50 for each kilogram of eels or molluscan shellfish and £10 for each other fish in respect of which the offence under this section is committed provided that the total amount of the said fine shall not exceed £1,000 or, at the discretion of the court, imprisonment for a term not exceeding 6 months or both such fine and such imprisonment.

(3) If any person buys any salmon, trout, eels or molluscan shellfish from a person whom he knows or has reason to believe is selling it in contravention of subsection (1) of this section, such first-mentioned person shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding £500.

(4) This section shall not apply to a fisherman selling salmon, trout, eels or molluscan shellfish of his own lawful capture.**]**

F126**[**Restrictions on export for sale of salmon, trout, eels or molluscan shellfish.

157.— (1) It shall not be lawful for any person to export for sale or attempt to export for sale from any place salmon, trout, eels or molluscan shellfish unless—

(*a*) such person is the holder of a salmon dealer's licence, eel dealer's licence or molluscan shellfish dealer's licence as appropriate, for the time being in force, and

(*b*) such place is a place at which he is authorised by such licence to sell salmon and trout, eels or molluscan shellfish as appropriate.

(2) If any person contravenes subsection (1) of this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500 together with an amount not exceeding £50 for each salmon, £50 for each kilogram of eels or molluscan shellfish and £10 for each other fish in respect of which the offence under this section is committed, provided that the total amount of the said fine shall not exceed £1,000 or, at the discretion of the Court, imprisonment for a term not exceeding 6 months or both such fine and such imprisonment.

(3) This section shall not apply to a fisherman exporting salmon, trout, eels or molluscan shellfish of his own lawful capture.**]**

F127**[**Certificate of fitness to hold a Part X licence.

158.— (1) Where a person who carries on or proposes to carry on the business of selling salmon, trout, eels or molluscan shellfish, or of exporting for sale salmon, trout, eels or molluscan shellfish in a particular Court District applies to a judge of the District Court for the time being assigned to that Court District for a certificate under this section, such judge shall, if satisfied that such person is a fit and proper person to hold a Part X licence, grant him a certificate in writing to that effect.

(2) A person making an application to a judge of the District Court for the grant by the District Court of a certificate under this section in relation to a salmon dealer's licence, eel dealer's licence or molluscan shellfish dealer's licence shall give notice in writing of the application to F128**[**Inland Fisheries Ireland**]**, not less than fourteen days before the date of the hearing of the application and F128**[**Inland Fisheries Ireland**]** shall, through such of its officers as it shall nominate for the purpose, be entitled to appear in court and be heard on the hearing of the application.**]**

F129**[**Salmon dealer's licence, eel dealer's licence and molluscan shellfish dealer's licence.

159.—(1) Where—

(*a*) a person to whom a certificate of fitness has been granted applies, within twenty-eight days after such grant, to F130**[**Inland Fisheries Ireland**]** for the issue to him of a licence authorising him to carry on the business of selling salmon and trout, eels or molluscan shellfish as appropriate, at any specified place F131**[**...**]**, and

(*b*) there is sent with the application—

(i) such certificate of fitness, and

F132**[**(ii) the sum of F133**[**€117 **]** for any one of a salmon dealer's licence, an eel dealer's licence or a molluscan shellfish dealer's licence issued in respect of any specified place, and the sum of £20 each for a second or third of the aforementioned dealers' licences issued in respect of the same specified place,**]**

then, F130**[**Inland Fisheries Ireland**]** may issue to such person a salmon dealer's licence, eel dealer's licence or molluscan shellfish dealer's licence as may be appropriate.

(2) Every application for a Part X licence to F130**[**Inland Fisheries Ireland**]** shall—

(*a*) be made in writing,

(*b*) be in the prescribed form and contain the prescribed particulars.

(3) Every Part X licence shall be in the prescribed form.

(4) Every Part X licence shall, unless it is previously terminated, continue in force until the 31st day of December of the year in which it was issued and shall then expire.

(5) (*a*) The Minister may, from time to time, by order amend subsection (1) of this section so as to alter the sum specified therein, and in case an order under this subsection is for the time being in force, the said subsection (1) shall be construed and have effect in accordance with the terms of the order.

(*b*) Subsection (7) of section 68 of this Act (inserted by section 3 of the Fisheries (Amendment) Act 1976) shall apply as regards an order under this subsection as it applies as regards an order under that section.**]**

F134**[**Renewal of Part X licence.

160.— (1) Where—

(*a*) either—

(i) the holder of a Part X licence which is for the time being in force (either by virtue of the original issue or a renewal thereof) applies, within fourteen days before its expiration, to the F135**[**Inland Fisheries Ireland**]** for a renewal of the licence, or

(ii) the holder of a Part X licence which was in force (either by virtue of the original issue or a renewal thereof) on the 31st day of December in any year applies within one month after its expiration to F135**[**Inland Fisheries Ireland**]** for a renewal of the licence, and

(*b*)F136**[**There is sent with the application the sum of F137**[**€117**]** for any one of a salmon dealer's licence, an eel dealer's licence or a molluscan shellfish dealer's licence issued in respect of a specified place, in the case of holders of a number of Part X licences for a specified place, and, the sum of £20 each for the renewal of a second or third licence issued in respect of the same specified place,**]**

F135**[**Inland Fisheries Ireland**]** may renew such licence.

(2) Every application for the renewal of a Part X licence to F135**[**Inland Fisheries Ireland**]** shall—

(*a*) be made in writing, and

(*b*) be in the prescribed form and contain the prescribed particulars.

(3) Every renewal of a Part X licence shall be in the prescribed form.

(4) Every renewal of a Part X licence shall (unless the licence is previously terminated) continue in force until the expiration of the calendar year for which the licence was last renewed and shall then expire.

(5) (*a*) The Minister may, from time to time, by order amend subsection (1) of this section so as to alter the sum specified therein, and in case an order under this subsection is for the time being in force, the said subsection (1) shall be construed and have effect in accordance with the terms of the order.

(*b*) Subsection (7) of section 68 of this Act (inserted by section 3 of the Fisheries (Amendment) Act, 1976) shall apply as regards an order under this subsection as it applies as regards an order under that section.

(6) F138**[**...**]]**

F139**[**Termination of Part X licence.

161.—(1) Every Part X licence shall terminate on the death of the holder thereof and on revocation by the Minister and may be terminated by surrender by the holder thereof.

(2) (*a*) If the holder of a Part X licence is convicted of an offence under any provision of this Act, the Minister may, within three months after such conviction, revoke the licence.

(*b*) Before revoking a Part X licence under paragraph (*a*) of this subsection the Minister shall send by registered post to the holder thereof and to F140**[**Inland Fisheries Ireland**]**, fourteen days notice of his intention to consider the revocation of the licence and shall consider any representations which may be made to him by such holder or F140**[**Inland Fisheries Ireland**]** before the expiration of the notice.

(3) References in this section to a Part X licence shall be construed as including references to a renewal thereof.**]**

F141**[**Publication of Part X licences.

162.— (1) (*a*) Every holder of a Part X licence, or renewal thereof, shall cause such licence or renewal to be displayed prominently in the place to which such licence relates during business hours.

(*b*) If the holder of a Part X licence fails to comply with paragraph (*a*) of this subsection, such holder shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding £500.

(2) Lists of persons holding Part X licences shall be published at such times and places and in such manner and form as the Minister may from time to time direct.**]**

F142**[**Registers to be kept by holders of Part X licences.

163.— (1) It shall be the duty of every holder of a salmon dealer's licence, eel dealer's licence or molluscan shellfish dealer's licence—

(*a*) to keep or cause to be kept at the place to which the licence relates a register in the prescribed form of all purchases and receipts of salmon, trout, eels or molluscan shellfish at or for sale at such place and of all sales, exportations, disposals and removals of salmon, trout, eels or molluscan shellfish made at or from such place, and

(*b*) within six hours after any such purchase or receipt and within three hours after any such sale, exportation, disposal or removal, to enter in such register the prescribed particulars of such purchase, receipt, sale, exportation, disposal or removal (as the case may be) and of the person from whom such salmon, trout, eels or molluscan shellfish were purchased or received or to whom such salmon, trout, eels or molluscan shellfish were sold, exported or disposed of, or the place to which such salmon, trout, eels or molluscan shellfish were removed (as the case may require).

(2) Every register kept in pursuance of this section may at any time during which the premises to which the register relates are open for the carrying on of business be inspected by any inspector, and it shall be the duty of the licence holder and of every person keeping such register to produce for the inspection of such inspector on demand such register and also all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available) reasonably demanded by such inspector for the purpose of verifying any entry in or explaining any omission from such register.

(3) It shall be the duty of every holder of a Part X licence to preserve and retain any register kept by him in pursuance of this section for a period of six months after the expiration of the latest year in which an entry was made in that register.

(4) If any holder of a Part X licence—

(*a*) fails to keep or cause to be kept such register as is required by this section, or

(*b*) fails to make or cause to be made in such register within the time hereinbefore mentioned any entry required by this section to be made therein, or

(*c*) fails to produce or cause to be produced on demand for the inspection of any inspector, any register, document, or copy of a document which he is required by this section so to produce, or obstructs any inspector in the making of such inspection, or

(*d*) fails to comply with the provisions of subsection (3) of this section, or

(*e*) wilfully or negligently makes or causes to be made in such register any entry which is false or misleading in any material particular,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence under this section, to a fine not exceeding £500 or, in the case of a second or any subsequent offence under this section, to a fine not exceeding £1,000.

(5) For the purposes of this section—

(*a*) inspection of a register or document shall include taking copies thereof or extracts therefrom, and

(*b*) a demand for inspection of a register or other document shall be deemed to have been duly made to the licence holder if such demand is made verbally on the premises of the licence holder to any person in his employment, and

(*c*) a refusal or failure to produce a register or other document for inspection if made or committed on the premises of the licence holder by a person in his employment shall be deemed to have been made or committed by the licence holder, and

(*d*) references to a salmon dealer's licence, an eel dealer's licence, a molluscan shellfish dealer's licence or a Part X licence shall be construed as including references to any renewal thereof.**]**

F121**[**Restriction on purchase of salmon and trout, eels or molluscan shellfish.

163A.— (1) Subject to the provisions of subsection (2) of this section, a person who is not the holder, or the agent duly authorised in writing in that behalf of the holder, of a Part X licence for the time being in force and who buys salmon, trout, eels or molluscan shellfish shall be guilty of an offence and shall be liable on summary conviction to a fine, not exceeding £1,000 in all, of an amount not exceeding £500 together with an amount not exceeding £50 for each salmon, £50 for each kilogram of eels or molluscan shellfish and £10 for each other fish in respect of which the offence is committed and any fish in respect of which the offence is committed shall, as a statutory consequence of conviction, stand forfeited.

(2) Subsection (1) of this section shall not apply in relation to—

(*a*) the bona fide purchase by or on behalf of a person of salmon, trout, eels or molluscan shellfish for use by the person in his own home, or

(*b*) the bona fide purchase of salmon, trout, eels or molluscan shellfish, by or on behalf of any person for use for catering purposes in premises in which he carries on the business of a hotel, restaurant or guest house or of providing board and lodging or meals for reward if the purchase is made from—

(i) the holder of a salmon dealer's licence, an eel dealer's licence or a molluscan shellfish dealer's licence, as appropriate, (within the meaning of the said Part X) for the time being in force, or

(ii) a fisherman who is lawfully engaged in taking and killing salmon, trout, eels or molluscan shellfish, as the case may be, and who (where the purchase includes any salmon or eels) is the holder of a fishing licence which is for the time being in force and is available for use for the taking and killing of salmon or eels, as the case may be, in the fishery district in which the salmon or eel, as the case may be, is taken or killed,

and, in the case of a purchase from a fisherman, the purchaser—

(I) obtains from the fisherman a statement in writing containing his name and address and (where the purchase includes any salmon or eels) the number of his fishing licence and stating that the salmon, trout, eel or molluscan shellfish, as the case may be, is of his own lawful capture, and

(II) retains the statement and produces it to an inspector when requested by the inspector to do so.

(3) A person who is buying salmon, trout, eels or molluscan shellfish and purports to be acting as an agent of the holder of a Part X licence shall produce on demand by the inspector his authorisation to act as such agent and if he refuses or fails to produce his authorisation or, on the production thereof, refuses or fails to permit the inspector to read the authorisation there and then, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

(4) A person who when the production of his authorisation aforesaid is lawfully demanded of him under this section does not produce the authorisation shall be deemed to refuse or fail to produce his authorisation within the meaning of this section.

(5) Where, pursuant to subsection (2) of this section, a person (in this subsection referred to as the vendor) selling salmon, trout, eels or molluscan shellfish, to another person gives to that other person a statement in writing which, or any part of which, is, to the knowledge of the vendor, false or misleading, the vendor shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

(6) Section 28 of the Act of 1962 is hereby repealed.**]**

PART XI.

Miscellaneous Provisions In relation to Salmon and Fresh-Water Fisheries.

Chapter I.

Prohibition of Certain Methods of Fishing for, and of Practices Liable to Destroy Salmon and Other Fish.

Penalty for using deleterious matter for capture, etc., of fish or having possession of deleterious matter with intent to use it in capture etc., of fish.

F144**[164.**— (1) If any person uses in any waters any deleterious matter for the capture, destruction or injury of fish he shall be guilty of an offence under this section.

(2) If any person being on the bank of or near any waters has in his possession or under his control any deleterious matter he shall be guilty of an offence under this section.

(3) It shall be a good defence to a charge under subsection (2) for the defendant to prove that the deleterious matter was in his possession or under his control for an innocent purpose.

(4) Every person guilty of an offence under this section shall be liable—

(*a*) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment,

(*b*) on conviction on indictment, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(5) Subsection (1) of section 1 of the Probation of Offenders Act 1907, shall not apply in relation to an offence under this section.

(6) Where a person is convicted of an offence under this section any deleterious matter found in his possession or control in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.**]**

Penalties for using, etc. light or fire for purpose of taking fish.

165.—(1) If, for the purpose of taking any fish, any person uses or has in his possession or control in any lake, river or estuary or on or near the banks thereof any light or fire of any kind, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds or at the discretion of the court to imprisonment for any term not exceeding twelve months.

(2) Where a person is convicted of an offence under this section, the means or materials by which there was produced the light or fire in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Penalty for using etc. certain instruments for purpose of taking fish.

166.—(1) In this section the expression "instrument to which this section applies" means any otter, spear, strokehaul, F145**[**snare, tailer,**]** gaff or other instrument of a similar kind.

(2) If, for the purpose of taking any fish, any person uses or has in his possession or control in any lake, river, or estuary or on or near the banks thereof any instrument to which this section applies, such person shall, subject to subsection (3) of this section, be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds or, at the discretion of the court, to imprisonment for any term not exceeding twelve months.

(3) Subsection (2) of this section shall not apply to the use, possession or control of—

(*a*) F145**[**a tailer or**]** gaff used or to be used solely as an auxiliary to lawful angling between sunrise and one hour after sunset, or

(*b*) a gaff used or to be used by the holder of a fishing licence in respect of any box in a fishing weir or fishing mill dam solely for the purpose of lawfully removing fish therefrom, or

(*c*) an eel spear used for taking eels.

(4) Where a person is convicted of an offence under this section any instrument (being an instrument to which this section applies) in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Penalty for fishing for salmon or trout in a river by cross lines.

167.—If any person takes, catches or fishes for any F146**[**salmon, trout or coarse fish**]** by means of cross lines in any river, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Penalty for taking salmon or trout in eel weir.

168.—If the owner or occupier of any eel weir takes or suffers to be taken therein any F147**[**salmon, trout or coarse fish**]**, such owner or occupier shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Penalty for damming, etc. river or mill race for purpose of taking salmon or trout.

169.—If any person dams, teems or empties any river or mill race for the purpose of taking or destroying any F148**[**salmon, trout or coarse fish**]**, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Penalties for taking fish unlawfully killed or found dead.

F149**[170.**—(1) Every person who by any means removes or causes to be removed from any river or lake—

(*a*) any salmon, trout or coarse fish which shall not have been killed by lawful means, or

(*b*) any salmon, trout or coarse fish which shall have been found dead, from any cause whatever, by such person,

shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding £500 or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(2) This section shall not apply to—

(*a*) any person acting under the authority of the Minister, or

(*b*) any officer of F150**[**Inland Fisheries Ireland**]** acting under the instructions of F150**[**Inland Fisheries Ireland**]**, or

(*c*) any owner of a fishery or his agent acting under the written authority of F150**[**Inland Fisheries Ireland**]**, or

(*d*) so far as respects the removal or causing to be removed of any diseased salmon, trout or coarse fish, or any salmon, trout or coarse fish found dead from any cause, any member of the Garda Síochána or any Sanitary Officer.**]**

Chapter II.

Protection of Fishing Waters from Poisoning and Pollution.

Penalty for steeping flax or hemp in waters or throwing, etc. deleterious matter into waters.

171.—(1) Any person who—

(*a*) steeps in any waters any flax or hemp, or

(*b*) throws, empties, permits or causes to fall into any waters any deleterious matter,

shall, unless such act is done under and in accordance with a licence granted by the Minister under this section, be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds or at the discretion of the court to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(2) Where a person is convicted of an offence under this section any flax or hemp found in waters in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) The Minister, after consultation with the Minister for Industry and Commerce or (in the case of a licence to be granted to a sanitary authority in relation to a sewerage scheme) with the Minister for Local Government, may grant licences for the purposes of this section, may attach conditions to any licence, and may after like consultation revoke any licence.

Protection of waters from pollution.

172.—(1) F151**[**...**]**

(2) Where any receptacle used for containing or conveying any F152**[**deleterious liquid**]** is within thirty yards of any waters—

(*a*) the owner of that receptacle shall provide and maintain such means (in this subsection referred to as suitable means) as will effectively prevent the passage of any deleterious liquid from that receptacle into such waters,

(*b*) if the owner thereof fails to carry out the duty imposed on him by paragraph (a) of this subsection, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds for each day during which such failure continues,

(*c*) where the Minister is satisfied that suitable means have been provided in relation to that receptacle, he may, on the application of the owner thereof, issue to him a certificate (which shall remain in force for such period as may be specified therein) and such certificate shall specify the suitable means and the manner in which they are to be used,

(*d*) if—

(i) the owner thereof is charged with an offence under this section in relation to that receptacle, and

(ii) he proves that a certificate in respect of that receptacle was issued under paragraph (c) of this subsection and that since the issue of the certificate the suitable means specified therein remained available and had been used in the manner specified therein, and

(iii) the certificate was in force on the date on which the offence is alleged to have been committed,

then the charge shall be dismissed.

Chapter III.

Protection of Young and Breeding Fish.

Penalty for taking, etc., spawn, smolts or fry of salmon, trout or eels.

173.—(1) If any person—

(*a*) wilfully takes, sells, purchases, or has in his possession the spawn, smolts or fry of salmon, trout, or eels, or

(*b*) wilfully obstructs the passage of the smolts or fry of salmon, trout or eels, or

(*c*) injures or disturbs the spawn or fry of salmon, trout or eels, or

(*d*) injures or disturbs any spawning bed, bank or shallow where the spawn or fry of salmon, trout or eels may be,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(2) Where a person is convicted of an offence under this section any fishing engine or device used in the commission of the offence shall, as a statutory consequence of conviction, stand forfeited.

Penalty for chasing, etc., spawning fish.

174.—(1) If any person chases, injures or disturbs spawning fish or fish on the spawning beds or attempts (except by means of lawful angling with rod and line) to catch fish thereon, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(2) Where a person is convicted of an offence under this section, any engine used in the commission of the offence shall, as a statutory consequence of conviction, stand forfeited.

Penalty for taking, etc., undersized pollen.

175.—(1) In this section, the expression "undersized pollen" means pollen of less size than eight inches in length, measured from the nose to the utmost extent of the tail.

(2) If any person wilfully takes, kills, destroys, buys, sells, exposes for sale, sends or has in his custody or possession any undersized pollen, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one shilling for each undersized pollen in relation to which the offence is committed.

(3) Where a person is convicted of an offence under this section, each undersized pollen in relation to which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Penalties for taking, etc., unseasonable salmon or trout.

176.—(1) If any person takes, kills or destroys any unseasonable salmon or trout, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds and an additional fine not exceeding two pounds for each such salmon or trout taken, killed or destroyed by him or, at the discretion of the Court, to imprisonment for any term not exceeding six months.

(2) Where a person is convicted of an offence under this section, any salmon or trout in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) Where a person is charged with taking a salmon or trout in contravention of this section it shall be a good defence to prove that such salmon or trout was taken accidentally, and was returned without avoidable injury to the water immediately upon being taken.

Prohibition of export of unseasonable salmon.

177.—(1) If any person exports or attempts to export any unseasonable salmon, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds for each salmon so exported or attempted to be exported.

(2) Where a person is convicted of an offence under this section, any salmon in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Chapter IV.

Protection of Private Fisheries.

Penalty for unauthorised entry on several fishery.

178.—If any person (not being authorised by the owner or occupier of a several fishery) enters into or upon such several fishery for the purpose or under the pretence of killing fish therein or taking fish therefrom or kills any fish therein or takes any fish therefrom, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than ten shillings and not more than five pounds.

Penalty for fishing with nets in a several fishery without licence of owner.

179.—(1) If any person uses or fishes with any net within the limits of a several fishery without authority in writing from the owner or occupier of such fishery, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(2) Where a person is convicted of an offence under this section, any net in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Penalty for unauthorised fishing in private ponds.

180.—If any person kills, takes or destroys any fish in any pond, private canal or reservoir wherein he has no property without the authority of the owner of such pond, private canal or reservoir, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Penalty for entering without permission lands for purposes of fishing.

181.—If any person enters on any land for the purpose or under the pretence of fishing in any water without authority in writing from the owner or occupier of such land, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two pounds.

Chapter V.

Other Provisions.

Penalties for purchasing, selling, etc., or having in possession salmon or trout which are unseasonable or unlawfully captured.

F153**[182.**— (1) (*a*) If any person purchases, sells, exposes for sale, keeps for sale or has in his possession or control any unseasonable salmon or trout such person shall be guilty of an offence under this subsection.

(*b*) Where a person, being a common carrier, is charged under this subsection with the offence of having in his possession or control any unseasonable salmon or trout it shall be a good defence to such charge to prove that he had such salmon or trout in his possession as a common carrier and not otherwise.

(2) (*a*) If any person purchases, sells, exposes for sale, keeps for sale or has in his possession or control any salmon, trout, eel or molluscan shellfish unlawfully captured, such person shall be guilty of an offence under this subsection.

(*b*) In any proceedings under this subsection against a person, the onus of proving that the salmon, trout, eel or molluscan shellfish, the subject of such proceedings, was lawfully captured shall lie on such person.

(*c*) Where a person being a common carrier, is charged under this subsection with the offence of having in his possession or control any salmon, trout, eel or molluscan shellfish unlawfully captured, it shall be a good defence to such charge for such person to prove—

(i) that he had such salmon, trout, eel or molluscan shellfish in his possession or control as a common carrier and not otherwise, and

(ii) that at the time when such salmon, trout, eel or molluscan shellfish was accepted by him for carriage, the consignor thereof delivered to him a

certificate, in such form as the Minister may from time to time direct, signed by such consignor or by a person authorised by him in that behalf to the effect that such salmon, trout, eel or molluscan shellfish was lawfully captured.

(*d*) Where—

(i) a person is charged with an offence under this subsection in relation to a salmon, and

(ii) he proves that the salmon was captured by rod and line at a particular place during a period other than the annual close season for angling for salmon at that place, and

(iii) he proves that the salmon was captured by the holder of a licence to fish with rod and line for salmon, and

(iv) he proves that otherwise the salmon was lawfully captured,

the charge against that person shall be dismissed.

(*e*) Where—

(i) a person is charged with an offence under this subsection in relation to a trout, and

(ii) he proves that the trout was captured by rod and line at a particular place during a period other than the annual close season for angling for trout at that place, and

(iii) he proves that otherwise the trout was lawfully captured,

the charge against him shall be dismissed.

(*f*) Where—

(i) a person is charged with an offence under this subsection in relation to an eel, and

(ii) he proves that the eel was captured by rod and line, and

(iii) he proves that otherwise the eel was lawfully captured,

the charge against that person shall be dismissed.

(*g*) Where—

(i) a person is charged with the offence under this subsection of purchasing or having in his possession or control any salmon, trout, eel or molluscan shellfish unlawfully captured, and

(ii) he proves that the salmon, trout, eel or molluscan shellfish was purchased by him from the holder of a licence (whether original or renewed) for the sale of salmon and trout, eels or molluscan shellfish issued under subsection (1) of section 159 and in force at the date of purchase and was so purchased at the place specified in the licence,

the charge against that person shall be dismissed.

(3) If any person in a certificate signed by him and delivered to a common carrier under subparagraph (ii) of paragraph (c) of subsection (2) of this section makes any statement which is false, he shall be guilty of an offence under this subsection.

(4) Every person guilty of an offence under subsection (1), (2) or (3) of this section shall be liable on summary conviction thereof to a fine not exceeding £500 together with an amount not exceeding £50 for each salmon, £50 for each kilogram of eels or

molluscan shellfish and £10 for each trout in respect of which the offence under the section is committed, provided that the total amount of the said fine shall not exceed £1,000 or, at the discretion of the Court, imprisonment for a term not exceeding 6 months or to both such fine and such imprisonment.

(5) Where a person is convicted of an offence under subsection (1) or (2) of this section, any salmon, trout, eel or molluscan shellfish in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.**]**

F154**[**Marking of packages containing salmon or trout.

183.— (1) Every package or container containing salmon, trout, eels or molluscan shellfish in course of transit in the State shall be marked conspicuously on the outside with the words "salmon, trout, eels and molluscan shellfish" or the words "salmon, trout and eels" or the words "salmon, trout and molluscan shellfish" or the words "salmon, eels and molluscan shellfish" or the words "trout, eels and molluscan shellfish" or the words “salmon and trout” or the words “salmon and eels” or the words “salmon and molluscan shellfish” or the words “trout and eels” or the words “trout and molluscan shellfish” or the words “eels and molluscan shellfish” or the word "salmon" or the word "trout" or the word "eels" or the words "molluscan shellfish", as the case may require, and shall have marked thereon or on a label affixed thereto the name and address of the consignor.

(2) Every person who sends or consigns for transit in the State any package or container containing salmon, trout, eels or molluscan shellfish which is not marked in the manner required by this section shall be guilty of an offence under this section.

(3) Every person who carries for reward, by land in the State, by sea from any port in the State or by air from anywhere in the State, any package or container containing salmon, trout, eels or molluscan shellfish which is not marked in the manner required by this section shall be guilty of an offence under this section unless he proves that he did not know and could not reasonably have known that such package or container contained salmon, trout, eels or molluscan shellfish.

(4) Every person guilty of an offence under this section shall be liable on summary conviction thereof in the case of a first offence to a fine not exceeding £500 and in the case of a second or any subsequent offence to a fine not exceeding £1,000 or at the discretion of the Court, to imprisonment for any term not exceeding 6 months or to both such fine and such imprisonment.

(5) For the purpose of this section a package or container shall be deemed to be in course of transit in the State when the same is being carried by any means whatsoever from any premises or place in the State to any other premises or place within or outside the State or is in any place, public or private, in the course of or for the purpose of such carriage.**]**

PART XII.

Transfer To the Minister of Certain Fisheries and Provisions in Relation to Fisheries so Transferred.

Chapter I.

Definitions and Evidence of Existence of Several Fisheries in Tidal Waters.

Definitions for purposes of Part XII.

184.—F155**[**...**]**

Evidence of existence of several fisheries in tidal waters.

185.—F156**[**...**]**

Chapter II.

Transfer to the Minister of Transferable Fisheries.

Transition period in respect of transferable fisheries.

186.—F157**[**...**]**

Right of access to transferable fisheries.

187.—F158**[**...**]**

Survey records of transferable fisheries.

188.—F159**[**...**]**

Obligation of occupiers of transferable fisheries to furnish accounts to the Minister.

189.—F160**[**...**]**

Acquisition of portions of rivers or lakes contiguous to certain weir (fresh water) fisheries.

190.—F161**[**...**]**

Reservation of angling rights in transferable fisheries.

191.—F162**[**...**]**

Vesting orders.

192.—F163**[**...**]**

Registration of title of the Minister to vested fisheries.

193.—F164**[**...**]**

Compensation in respect of transferable fisheries.

194.—F165**[**...**]**

Compensation to employees on transferable fisheries.

195.—F166**[**...**]**

Apportionment of valuations of transferable fisheries.

196.—F167**[...]**

Provisions in relation to orders.

197.—F168**[...]**

Chapter III.

Transfer to the Minister of certain State Fisheries.

Transfer of fisheries to the Minister by the Commissioners of Public Works.

198.—F169**[...]**

Transfer of fisheries to the Minister by the Irish Land Commission.

199.—F170**[...]**

Chapter IV.

Acquisition of Land, etc. by the Minister for Purposes of the Management, Operation and Protection of Vested Fisheries.

Acquisition of land, etc. by the Minister.

200.—F171**[...]**

Payment and ascertainment of compensation in respect of land, etc.

201.—F172**[...]**

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Operation and Disposal of Vested Fisheries.

Operation of vested fisheries by the Minister.

202.—F173**[...]**

Operation of vested fisheries by the Minister.

Powers of the Minister in operating a vested fishery.

203.—F174**[...]**

Sale of land and business. **204.**—F175**[**...**]**

Financial provisions. **205.**—F176**[**...**]**

Accounts, audit and report of proceedings. **206.**—F177**[**...**]**

Leases of Vested Fisheries. **207.**—F178**[**...**]**

Leases of vested fisheries.

Returns by lessees. **208.**—F179**[**...**]**

Reports by the Minister in relation to leases. **209.**—F180**[**...**]**

Non-user of Vested Fisheries. **210.**—F181**[**...**]**

Non-user of vested fisheries.

Provisions in relation to unused fisheries. **211.**—F182**[**...**]**

Re-erection or re-equipment of unused fisheries. **212.**—F183**[**...**]**

Chapter VI.

Supplementary Provisions.

Right of access to vested fisheries. **213.**—F184**[**...**]**

Right of access for exercise of angling rights. **214.**—F185**[**...**]**

Liability of Minister for damage by flooding. **215.**—F186**[**...**]**

Provisions in relation to mill-dam fisheries. **216.**—F187**[**...**]**

Restrictions on Minister's powers.

217.—Nothing in this Act shall operate to authorise the Minister—

(*a*) to construct or erect on tidal lands (within the meaning of the Foreshore Act 1933 (No. 12 of 1933)), any work or structure, other than a fixed engine for the capture of salmon, trout or eels lawfully existing, or for which a certificate granted under section 6 of the Salmon Fishery (Ireland) Act 1863, existed, in the year 1939, without the consent of the Minister for Industry and Commerce or otherwise than in accordance with the terms and conditions of such consent;

(*b*) to erect any buildings or structures which may interfere with the amenities of the residence or pleasure grounds of a person who was the owner or occupier of a fishery vested in the Minister under Chapter II of this Part or operate such fishery in such a way as to interfere with such amenities.

Fishing licences in vested fisheries operated by the Minister.

218.—F188**[...]**

PART XIII.

Sea fisheries.

Chapter I.

Preliminary.

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219.—F189**[...]**

Sea Fisheries Protection Officers.

220.—F190**[...]**

Chapter II.

Provisions applicable to exclusive fishery limits of the State.

Restrictions on foreign sea fishing boats entering the exclusive fishery limits of the State.

221.—F191**[...]**

Provisions in relation to foreign sea-fishing boats lawfully entering the exclusive fishery limits of the State.

222.—F192**[...]**

F193[Fishing while on board foreign sea-fishing boat within exclusive fishery limits of State.

222A.—F194[...]]

F195[Sea-fishing boat licences.

222B.—F196[...]]

F197[Regulations requiring sea-fishing boats to comply with certain conditions.

222C.—F198[...]]

Prohibition of certain methods of trawling within the exclusive fishery limits of the State.

223.—F199[...]

F200[Conservation of fish stocks and rational exploitation of fisheries.

223A.—F201[...]]

Other offences in relation to sea-fishing boats within the exclusive fishery limits of the State.

224.—F202[...]

F203[Regulations for giving effect to the Convention on the Conduct of Fishing Operations in the North Atlantic.

224A.—F204[...]]

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224B.—F206[...]]

Chapter III.

Provisions Applicable to Undersized Sea-Fish.

Undersized sea-fish.

225.—F207[...]

Restriction on carriage of certain fishing nets on board sea-fishing boats.

226.—F208**[**...**]**

Restriction on carriage of devices for obstructing meshes of net.

227.—F209**[**...**]**

Prohibition on having in possession for sale on board sea-fishing boats undersized sea-fish.

228.—F210**[**...**]**

Prohibition on landing, selling, etc. undersized sea-fish.

229.—F211**[**...**]**

Provisions in relation to orders.

230.—F212**[**...**]**

Powers of inspection, examination and detention of sea fish, etc.

231.—F213**[**...**]**

Chapter IV.

Ancillary Provisions Relating to Chapters II and III of Part XIII.

Liability of master of boat for offences under Chapter II of Part XIII.

232.—F214**[**...**]**

Special powers of sea fisheries protection officers for enforcing Chapters II and III of Part XIII.

233.—F215**[**...**]**

F216**[**Detention of boats and persons on board for 48 hours where certain offences suspected.

233A.—F217**[**...**]]**

Detention of boat and persons pending prosecution.

234.—F218**[**...**]**

Detention of boat pending appeal against conviction of offence under Chapter II or III of Part XIII.

235.—F219**[**...**]**

Recovery of fine for offence under Chapter II or III of Part XIII and of possession of articles forfeited under the said Chapter II or III.

236.—F220**[**...**]**

Chapter V.

Other Provisions relating to Sea Fisheries.

Penalty for use on the sea coast or within estuary of nets covered with canvas, etc.

237.—F221**[**...**]**

Provisions in relation to herring and other nets.

238.—F222**[**...**]**

Penalty for use of trawl or trammel nets in contravention of bye-laws.

239.—F223**[**...**]**

Use of beaches, etc. by fishermen for purposes of sea fishing.

240.—F224**[**...**]**

Use by fishermen of land adjoining fishing places.

241.—F225**[**...**]**

Bait beds.

242.—F226**[**...**]**

Fishing boats and gear, etc. picked up at sea to be delivered at nearest Garda Síochána station.

243.—F227**[**...**]**

PART XIV.

Oysters.

Chapter I.

Definitions.

Definitions for purposes of Part XIV.

244.—In this Part—

the word "licensee", in relation to any oyster bed licence, means the person for the time being entitled to such licence;

the expression "licensed oyster bed" means an oyster bed in respect of which an oyster bed licence is in force;

the word "owner", in relation to any land, means any person entitled to the possession or receipt of the rents and profits of land for an estate for his own life or for years determinate on his own life or for any greater estate, exclusive of any person entitled to such land by virtue of any lease for lives or years at a rackrent;

the expression "oyster bed licence" means a licence being—

(*a*) an oyster bed (1845 Act) licence, or

(*b*) an oyster bed (1850 Act) licence, or

(*c*) an oyster bed (1866 Act) licence, or

(*d*) an oyster bed (1869 Act) licence, or

(*e*) an oyster bed (1959 Act) licence;

the expression "oyster bed (1845 Act) licence" means a licence granted under section 17 of the Fisheries (Ireland) Act 1845;

the expression "oyster bed (1850 Act) licence" means a licence granted under section 41 of the Fisheries (Ireland) Act 1850;

the expression "oyster bed (1866 Act) licence" means a licence granted under section 4 of the Oyster Fishery (Ireland) Amendment Act 1866;

the expression "oyster bed (1869 Act) licence" means a licence granted under section 14 of the Fisheries (Ireland) Act 1869;

the expression "oyster bed (1959 Act) licence" means a licence granted under section 245;

the expression "oyster fishery order" means an order being—

(*a*) an oyster fishery (1884 Act) order, or

(*b*) an oyster fishery (1959 Act) order;

the expression "oyster fishery (1884 Act) order" means an order made under the Oyster Cultivation (Ireland) Act 1884;

the expression "oyster fishery (1959 Act) order" means an order made under Chapter III of this Part.

Chapter II.

Oyster Bed Licences.

Oyster bed licences.

245.—(1) The Minister may, subject to section 11 and to the provisions of this Chapter—

(*a*) grant to the owner of any several fishery or the owner of the bed and soil of any estuary, a licence to form or plant an oyster bed within the limits of such several fishery or over such bed and soil above or below the lowest water mark of spring tides,

(*b*) grant to the owner or occupier of any land bordering on the sea or any estuary or, with the consent of such occupier, to any person, a licence to form or plant an oyster bed on the shore adjacent to such land above or below the lowest water mark of spring tides,

(*c*) grant to any person a licence to form or plant an oyster bed below the lowest water mark of spring tides.

(2) No oyster bed licence shall be granted to lay or plant an oyster bed—

(*a*) in any place where the Minister is of opinion that the public exercise and enjoy *bona fide* a substantially profitable fishing for oysters, or

(*b*) within the limits of any oyster bed or oyster fishery the property of any private person, or

(*c*) within the limits of any several fishery without the consent in writing of the owner of such fishery.

(3) Where an oyster bed licence is granted to any occupier of land bordering on the sea or any estuary or to any person with the consent of such occupier, such licence shall remain in force only during the continuance in occupation of the person who was in occupation at the time of granting such licence.

(4) Where a licence is granted to any person with the consent of any owner, such licence shall remain in force only for such period as may be named in such consent.

(5) An oyster bed licence shall not, except for the purpose of forming or planting oyster beds or layings, affect any rights in or over the shore or bed of the sea.

Form of oyster bed licences.

246.—Every oyster bed licence shall, by reference to a map or otherwise as to the Minister seems best, define the position and limits of the oyster bed to which it relates and may be made subject to such conditions and limitations and, subject to the provisions of subsections (3) and (4) of section 245, may be perpetual or terminable as to the Minister shall seem proper.

Inquiry into application for an oyster bed licence.

247.—Where an application is made to the Minister for an oyster bed licence authorising the planting or laying of an oyster bed in a particular site—

(*a*) the Minister shall cause a public inquiry to be held as to the expediency of granting the application and so fix the time as to permit of notice being given of the inquiry and the place in the locality of the said site for holding the said inquiry,

(*b*) the Minister shall cause to be given, in accordance with section 322, notice (which shall specify the reception by him of the application) of the time and place of such inquiry,

(*c*) the Minister shall appoint an officer of the Minister to hold such inquiry,

(*d*) the Minister shall take no decision on the application until he has considered the report of the said officer.

Notice of granting of licence, etc.

248.—Where an oyster bed (1959 Act) licence is granted—

(*a*) notice of the grant shall be published in some newspaper circulating in the district in which the licence is to operate,

(*b*) a true copy of the licence shall be lodged with the county registrar for the county in which the licence is to operate,

(*c*) a copy of the licence certified under the hand of that county registrar shall be evidence of the licence.

Effect of oyster bed licence.

249.—Every oyster bed (1959 Act) licence, if unappealed from under section 11 or if confirmed on such appeal, shall be binding on the State and on all persons whatsoever and shall operate to vest in the licensee, his heirs, executors, administrators and assigns, such rights and privileges as shall be thereby given, according to the tenor thereof, free from all prior or other rights, titles, estates or interests whatsoever.

Determination of licences by certificate of the Minister.

250.—(1) Notwithstanding anything in any oyster bed licence such licence shall be determinable by a certificate of the Minister certifying that he is not satisfied that the licensee is properly cultivating the oyster ground within the limits of such licence, and, on any such certificate being made, the right conferred by the licence shall absolutely determine.

(2) For the purposes of this section the Minister may from time to time with respect to any oyster bed licence or any licensed oyster fishery make such inquiries and examinations and require the licensee to furnish such information as the Minister thinks necessary, and the licensee shall afford all facilities for such inquiries and examinations and give such information accordingly.

Revocation of oyster bed licences.

251.—(1) If it appears to the Minister that the licensee under any oyster bed licence or his assigns within the period of three years from the date of the licence has not taken steps proper in the opinion of the Minister to form the oyster bed in such licence mentioned, the Minister may by order revoke such licence.

(2) The Minister shall, before making an order under this section revoking an oyster bed licence, cause notice in writing of his intention to make such order to be served on the person for the time being entitled to such licence or, if such person cannot be found, shall cause such notice to be inserted as an advertisement three times at least in some newspaper circulating in the district in which the oyster bed mentioned in such licence is situate, and no such order shall be made until after the expiration of one month from the service of such notice or from the date of the last of such advertisements.

Alteration of oyster bed licences to give effect to any agreement.

252.—The Minister may alter any oyster bed (1845 Act) licence or oyster bed (1850 Act) licence or grant any oyster bed (1959 Act) licence in lieu thereof to the licensee or his representative so as to give effect to any agreement or undertaking which may have been given or entered into by or on behalf of any such licensee with any person subsequent to the date of such licence.

Penalty for injuring licensed oyster beds.

253.—If any person (other than the licensee or his assigns, his agents, servants and workmen) knowingly does, within the limits of a licensed oyster bed, any of the following things:—

(*a*) uses any implement of fishing, except a line and hook or net adapted solely for catching free swimming fish and so used as not to disturb or injure in any manner any oyster bed or oysters or the oyster fishery,

(*b*) dredges for any ballast or other substance except under lawful authority for improving the navigation,

(*c*) deposits any ballast, rubbish or other substance,

(*d*) places any implement, apparatus or thing prejudicial or likely to be prejudicial to any oyster bed or oysters or brood or spawn thereof, or to the oyster fishery, except for a lawful purpose of navigation or anchorage,

(*e*) disturbs or injures in any manner, except as mentioned in paragraph (*d*) of this section, any oyster bed or oysters or brood or spawn thereof or the oyster fishery,

(*f*) interferes with or takes away any of the oysters from such bed without the consent of the licensee or owner or occupier of such bed,

F231**[**(*g*) without such consent removes, damages or otherwise interferes with any device or other thing which is placed in or on, or in or on the water above, such bed and is used in the cultivation of oysters.**]**

the following provisions shall have effect:—

(1) such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof—

(i) in the case of a first offence, to a fine not exceeding two pounds,

(ii) in the case of a second offence, to a fine not exceeding five pounds,

(iii) in the case of a third or any subsequent offence, to a fine not exceeding ten pounds;

(2) such person, whether he has or has not been prosecuted for or convicted of such offence, shall be liable to make full compensation to the licensee for all damage sustained by the licensee by reason of such person's unlawful act, and such compensation shall be recoverable in any court of competent jurisdiction.

Effect of oyster bed (1845 Act) and oyster bed (1850 Act) licences.

254.—Every oyster bed (1845 Act) licence or oyster bed (1850 Act) licence in force at the date of the passing of this Act shall be deemed to have been effectual to vest in the licensee, his heirs and assigns the exclusive right of laying and planting oysters and fishing for oysters in the oyster bed or laying by such licence authorised to be formed, according to the tenor and effect of such licence free from all prior or other rights, titles, estates or interests whatsoever.

Penalty for trespass on licensed oyster bed.

255.—If any person wilfully trespasses on any licensed oyster bed or oyster layings (the licence in respect whereof was granted before the 7th day of August, 1884) such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Chapter III.

Oyster Fishery Orders.

Power of Minister to make oyster fishery orders.

256.—Subject to section 11 and to the provisions of this Chapter the Minister may make orders for the establishment or improvement and for the maintenance and regulation of an oyster fishery on F232**[**or above**]** the shore and bed of the sea or of an estuary or tidal river above or below or partly above and partly below low-water mark (which said shore and bed are in this Chapter referred to as the seashore), and including, if desirable, provisions for the constitution of a board or body corporate

for the purpose of such order, on an application to the Minister by any person desirous of obtaining such an order.

Publication of notices of application.

257.—If, on consideration of an application for an oyster fishery (1959 Act) order, the Minister thinks fit to proceed with the case the Minister shall cause notices to that effect to be published and circulated in the district to be affected by the order and shall give notice of the application in such manner as he thinks proper for giving information to all parties interested and to the owners or reputed owners, lessees or reputed lessees and occupiers or reputed occupiers, so far as they may be known or ascertained, of the portion of the seashore to which the proposed order relates or of the lands adjoining thereto.

Objections and representations respecting proposed oyster fishery (1959 Act) order.

258.—During one month after the publication of the notices mentioned in section 257, the Minister shall receive any objections or representations made to him in writing respecting the proposed oyster fishery (1959 Act) order to which the said notices relate.

Inquiry into proposed oyster fishery (1959 Act) order.

259.—After the expiration of one month after the publication of the notices mentioned in section 257, in relation to an application for an oyster fishery (1959 Act) order, the Minister shall appoint an officer of the Minister to hold an inquiry (of which due notice shall be given) into the subject matter of the proposed order and for that purpose to hold a sitting or sittings in the neighbourhood of the portion of the seashore to which the proposed order relates and thereat to take and receive any evidence and information offered and inquire into any objections or representations made respecting the proposed order, with power from time to time to adjourn any sitting.

Making of oyster fishery (1959 Act) order.

260.—As soon as conveniently may be after the holding of an inquiry into an application for an oyster fishery (1959 Act) order, the Minister shall proceed to consider the objections or representations that have been made respecting the proposed order and thereupon shall either refuse the application or make an order in such form and containing such provisions as he thinks expedient.

Amendment of oyster fishery order.

261.—The Minister may from time to time by order amend an oyster fishery order, F238**[**in such manner as he shall consider appropriate having had regard to the circumstances by reason of which the order's amendment is necessitated**]**

Effect of oyster fishery (1959 Act) order.

262.—When an oyster fishery (1959 Act) order has been made, the grantee shall, by virtue of the order, have, within the limits of the oyster fishery named therein, the exclusive right of depositing, propagating, dredging and fishing for and taking oysters, and in exercise of that right, may, within the limits of the fishery, make and maintain oyster beds, and at any season collect oysters and remove them from place to place and deposit them as and where he thinks fit, and do all other things which he thinks proper for obtaining, storing and disposing of the produce of the fishery or for the regulation of the fishery.

Powers of grantees under oyster fishery order to make regulations for management of oyster fishery.

263.—For the purpose of protecting an oyster fishery granted under an oyster fishery order, the grantee or grantees, under the hands of any two of them, where more than two, may, subject to the approval of the Minister make such regulations for the management of such fishery as they consider necessary.

Appointment of keepers by grantees under oyster fishery orders.

264.—For the purpose of protecting an oyster fishery granted under an oyster fishery order, the grantee or grantees, under the hands of any two of them, where more than two, may, subject to the approval of the Minister, appoint at the cost and expense of the grantees, any keeper they consider necessary for the protection of the fishery, and any keeper so appointed may enforce any regulations made under section 263 in respect of such oyster fishery and shall have all the powers conferred on water keepers by this Act.

Penalty for trespass on or breach of regulations of oyster fishery.

265.—(1) If, in respect of any oyster fishery granted under an oyster fishery order, any person—

(*a*) wilfully trespasses on such fishery, or

(*b*) not being a grantee or not having the written permission of the grantee or grantees, or, where more than two, of at least two-thirds of the grantees, dredges, fishes for or takes any oysters, or

F239**[**(*bb*) not being a grantee, the servant or agent of the grantee or grantees or being duly authorised as aforesaid, removes, damages or otherwise interferes with any device or other thing which is placed in, on or over such fishery and is used in the cultivation of oysters, or**]**

(*c*) being a grantee or duly authorised person as aforesaid, dredges, fishes for or takes any oysters in contravention of any regulation made under section 263 in relation to such fishery,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(2) Where a person is convicted of an offence under this section—

(*a*) if the oysters in respect of which the offence wag committed have not been sold, those oysters shall, as a statutory consequence of conviction, stand forfeited, and the Court may direct their delivery to the grantees of the fishery from which they were taken,

(*b*) if those oysters have been sold, the Court may order such person to pay to the said grantees a sum equal to the value thereof.

Determination of oyster fishery orders.

266.—(1) If it appears to the Minister that the grantee in any oyster fishery order is not maintaining the oyster fishery granted therein, the Minister, if he so thinks fit, may by order determine such oyster fishery order and thereupon all the rights and privileges thereunder shall be absolutely determined and shall be null and void.

(2) For the purposes of subsection (1) of this section the Minister may from time to time make such inquiries and examination and require from the grantee such information as the Minister thinks necessary or proper, and the grantee shall afford all facilities for such inquiries and examination and give such information accordingly.

Oyster fishery order not to abridge right of several fishery.

267.—Subject to section 270 no oyster fishery order shall take away or abridge any right of several fishery or any right on, to or over any portion of the seashore, which right is enjoyed by any person under any local or special Act, or any charter, letters patent, prescription or immemorial usage, without the consent of such person.

Copies of oyster fishery orders to be kept.

268.—The grantee under an oyster fishery order shall at all times keep, at some convenient place in the neighbourhood of that portion of the sea shore to which the order relates, copies of the order and shall sell such copies to all persons desiring to buy them at a price not exceeding one shilling for each copy.

Saving for rights of the State.

269.—Where any portion of the seashore proposed to be comprised in an oyster fishery (1959 Act) order belongs to the State, the Minister shall not make the order without the consent of the Minister for Industry and Commerce.

Adaptation of section 9 of the Shannon Fisheries Act 1938.

270.—In section 9 of the Shannon Fisheries Act 1938 (No. 7 of 1938)—

(*a*) the references, in subsections (2) and (4), to the Oyster Cultivation (Ireland) Act 1884, shall be construed as including references to this Chapter,

(*b*) the references, in subsection (3), to section 17 of the Oyster Cultivation (Ireland) Act 1884, shall be construed as including references to section 267 of this Act.

Chapter IV.

Close Season for Oysters.

Close season for oysters.

271.—(1) In this Act, the expression—

"the close season for oysters" means, in relation to any locality,—

(*a*) in case a bye-law under this Act is for the time being in force fixing the period during which it is unlawful to dredge for, take, catch or destroy any oysters in that locality, the period so fixed,

(*b*) in any other case, the period commencing on the 1st day of May in any year and ending on the 31st day of August in that year.

(2) The provisions set out in the Fifth Schedule to this Act shall apply in relation to bye-laws altering the close season for oysters.

Bye-laws prohibiting the dredging for, etc., oysters during a particular period.

272.—(1) The Minister may, on the application of any person interested in an oyster fishery in a particular locality, make, subject to this Act, a bye-law prohibiting, during such period (not exceeding three years) as he thinks proper, the dredging for, or the taking, catching or destroying of, oysters or oyster brood in that locality.

(2) The provisions set out in the Fifth Schedule to this Act shall apply in relation to the making of bye-laws under this section.

Penalty for dredging, etc. during the close season for oysters or during period specified in bye-law made under section 272.

273.—(1) If any person in any locality dredges for, takes, catches, destroys, has in his possession or custody, sells or buys any oyster or oyster brood during the period which is in relation to that locality the close season for oysters or during any period specified in a bye-law relating to that locality made under section 272 such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than ten shillings and not more than five pounds.

(2) Where a person is convicted of an offence under this section, any oysters or oyster brood in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

(3) Nothing in subsection (1) of this section shall be construed as rendering unlawful—

(*a*) the removing, during the close season for oysters, of oyster brood from any oyster bed by the proprietor thereof or any person deriving under him, or

(*b*) the laying down, during the close season for oysters, of oyster brood in any oyster bed by the proprietor thereof or any person deriving under him.

Authority to dredge for oysters during close season for oysters.

274.—(1) The Minister may, for the purpose of replenishing and supplying any oyster bed the exclusive property of any person, authorise the dredging for and taking of oysters from any natural public bed lying below the level of the lowest water of spring tides during such part of the close season for oysters as the Minister thinks proper and specifies in the authorisation.

(2) If any oysters dredged or taken during any part, specified in any authorisation under subsection (1) of this section, of the close season for oysters are brought to shore by any person or sold or offered for sale by any person or are found in the possession of any person on land or are used by any person for any purpose other than replenishing or supplying any such artificial or other bed as is mentioned in the said subsection (1), such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(3) Where a person is convicted of an offence under this section, any oysters in respect of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Order permitting taking etc., foreign oysters during part of close season for oysters.

275.—(1) The Minister may, upon the application of any person possessed of or interested in any oyster fishery, make an order permitting the taking or having in possession of any foreign oysters during such part of the close season for oysters as the Minister may think fit to appoint for such purpose in any district or place.

(2) Where an application is made for an order under this section—

(*a*) the Minister shall cause a public inquiry into such application to be held,

(*b*) the Minister shall cause to be given, in accordance with section 322, notice of the time and place of such inquiry,

(*c*) the Minister shall appoint an officer to hold such inquiry,

(*d*) the Minister shall take no decision on the application until he has considered the report of the said officer.

Chapter V.

Protection of Oyster Fisheries.

Power of persons interested in oyster beds to appoint water keepers.

276.—(1) Any proprietor of an oyster bed or an associated body of persons interested in the protection or improvement of an oyster fishery may, for the protection of such oyster fishery and for the due enforcement of the provisions of this Act and any bye-laws made thereunder, appoint any person to be a water keeper.

(2) The provisions of section 294 in relation to the appointment of water keepers shall apply in respect of the appointment of water keepers under this section.

(3) Every water keeper appointed under this section may, in relation to the oyster fishery for which he is appointed, exercise, so far as may be necessary for the protection of such oyster fishery and for the due enforcement of the provisions of this Act and any bye-laws made thereunder in relation to oyster fisheries, any of the powers conferred by this Act on a water keeper appointed under section 294.

Chapter VI.

Licences for Fishing for Oysters.

Restrictions on taking oysters.

277.—(1) If any person takes in a fishery district any oysters from an oyster fishery otherwise than by means of an oyster fishing engine in respect of which there is for the time being in force an oyster fishing licence authorising the use of such oyster fishing engine in that fishery district, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than double and not more than treble the licence duty for the time being payable in respect of an oyster fishing licence.

(2) Where a person is convicted of an offence under this section and an oyster fishing engine was used in the commission of such offence, such oyster fishing engine shall, as a statutory consequence of conviction, stand forfeited.

Provisions in relation to oyster fishing licences.

278.—(1) Boards of conservators shall, in accordance with this section, issue licences (in this Act referred to as oyster fishing licences) in respect of oyster fishing engines.

(2) The period for which oyster fishing licences are to be issued shall be one year.

(3) An oyster fishing licence shall be valid and in force for the year specified in that behalf in the licence.

(4) A separate oyster fishing licence shall be issued for each separate oyster fishing engine.

(5) Every oyster fishing licence issued by the board of conservators for a fishery district shall—

(*a*) be in such form as the Minister may direct,

(*b*) state thereon—

(i) the year for which it is to be valid and in force,

(ii) the number or name of F241**[**the fishery district to which it relates**]**,

(iii) F242**[**...**]**

(iv) the oyster fishing engine to which it relates,

(v) the name of the person to whom it is issued,

(*c*) be sealed with the seal of such board of conservators.

(6) An oyster fishing licence shall be available for use in the fishery district of the board of conservators by which it was issued and in no other fishery district.

(7) Every oyster fishing licence shall operate to authorise, during the year specified therein and in the fishery district specified therein, the use of the oyster fishing engine specified therein, but subject to the provisions of the Acts and any instrument made thereunder.

Licence duty on oyster fishing licences.

279.—(1) Subject to subsection (2) of this section, the licence duty on each oyster fishing licence shall be two pounds.

(2) The Minister may, from time to time, by order, alter the licence duty in respect of an oyster fishing licence, F243**[**...**]**

(3) Where the licence duty in respect of an oyster fishing licence is altered under subsection (2) of this section, the duty as so altered shall be payable in respect of any such oyster fishing licence which is to be valid for a period commencing on or after the 1st day of January next following the making of the order which effected the alteration.

F244**[**(4) Where an order under this section is proposed to be made, the Minister shall cause a draft of the order to be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.**]**

Right to issue of oyster fishing licences.

280.—F245**[**...**]**

PART XV.

Molluscs (other than Oysters).

Extension of sections 245 to 253 to mussel beds, periwinkle beds and cockle beds.

281.—(1) Section 245 shall extend to and include mussel beds, periwinkle beds, and cockle beds, and the Minister is hereby empowered to grant in respect of the said beds the licences mentioned in the said section 245.

(2) Sections 246 to 253 shall extend to and include mussel beds and mussel fisheries, periwinkle beds and periwinkle fisheries, and cockle beds and cockle fisheries.

Extension of sections 256 to 269 to mussels.

282.—Sections 256 to 269 shall apply to mussels, mussel beds and mussel fisheries in the same way as they respectively apply to oysters and to oyster beds and oyster fisheries.

Close season for molluscs (other than oysters).

283.—(1) The Minister, if he thinks fit, may make a bye-law fixing a period or periods in each year within which it shall not be lawful to take or attempt to take molluscs (other than oysters) of the kind specified in the bye-law from any locality specified in the bye-law or to have in possession or custody or sell or attempt to sell molluscs (other than oysters) of that kind taken from the said locality, and the period or periods so fixed in relation to any locality by any such bye-law shall, so long as such bye-law remains in force, be the close season for molluscs (other than oysters) of the kind specified in the bye-law in that locality.

(2) The provisions set out in the Fifth Schedule to this Act shall apply in relation to the making or alteration of any bye-law made under this section.

Bye-laws prohibiting the taking of molluscs (other than oysters) during a specified period.

284.—(1) The Minister may, on the application of any person interested or on his own motion, make a bye-law fixing a period (not exceeding three years) during which it shall not be lawful to take or attempt to take molluscs (other than oysters) of the kind specified in the bye-law from any locality specified in the bye-law.

(2) The provisions set out in the Fifth Schedule to this Act shall apply in relation to the making of any bye-law under this section.

PART XVI.

Crabs.

Penalty for taking, etc. certain edible crabs.

285.—(1) If any person takes, has in his possession, sells, exposes for sale, consigns for sale or buys for sale—

(*a*) any edible crab by whatever name known, carrying any spawn attached to the tail or other exterior part of the crab, or

(*b*) any edible crab by whatever name known which has recently cast its shell,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to, in the case of a first offence under this section, a fine not exceeding two pounds and, in the case of a second or any subsequent offence under this section, a fine not exceeding ten pounds.

(2) Where a person is convicted of an offence under this section, any crab in respect of which the offence was committed shall as a statutory consequence of conviction, stand forfeited.

(3) Where a person is charged with an offence under this section in relation to any edible crab, it shall be a good defence to prove that the crab was intended for bait for fishing.

F247[Use of boat or vehicle as aid to commission of offence.

285A.—(1) If any person uses a boat or vehicle as an aid to the commission of an offence under any provision of this Act or any Act amending this Act or of an instrument made under this Act or any Act amending this Act he shall be guilty of an offence under this section and shall be liable—

(*a*) on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment,

(*b*) on conviction on indictment, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(2) (*a*) Subject to paragraph (*c*) of this subsection, where a person is convicted of an offence under any provision of this Act or any Act amending this Act or of an instrument made under this Act or any Act amending this Act, any boat used in the commission or as an aid to the commission of the offence shall, as a statutory consequence of conviction, stand forfeited.

(*b*) Where a person is convicted on indictment of an offence under any provision of this Act that is triable on indictment, any vehicle used in the commission or as an aid to the commission of the offence may be forfeited by order of the Court.

(*c*) Paragraph (*a*) of this subsection shall not apply in relation to a boat used by a person who is not the owner thereof if the owner proves that such use was without his knowledge or consent.**]**

PART XVII.

Penalties for Miscellaneous Offences.

Penalty for three or more persons using violence, etc. towards persons lawfully prosecuting a fishery.

286.—If three or more persons, by violence, intimidation or menace, impede or obstruct or attempt to impede or obstruct any person in the lawful prosecution of a fishery the offenders and every person then and there aiding or abetting them shall each be guilty of an offence under this section and shall each be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Penalty for obstructing persons lawfully fishing.

287.—If any person obstructs any person lawfully engaged in fishing or in proceeding to or in returning from lawful fishing, such first-mentioned person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Penalty for placing fishing engine with intent to prevent fish entering nets lawfully set.

288.—(1) If any person wilfully and maliciously places any fishing engine with intent to prevent fish from entering the nets of any other person set and placed in a lawful manner, such first-mentioned person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(2) Where a person is convicted of an offence under this section, any fishing engine by means of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.

Penalty for not having names of owners painted on fishing boats.

289.—(1) Every fishing boat shall have upon some conspicuous part thereof the name of the owner, or of one of the owners where more than one, and of his place of residence, painted in clear legible characters or letters of not less than two inches in length.

(2) If, in respect of any fishing boat the provisions of subsection (1) of this section are not complied with, the owner or any person using it shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two pounds.

Penalty on persons discharging ballast in improper places.

290.—If any person throws out or unloads from any vessel the ballast thereof or any part of the said ballast, within any estuary, harbour or place then, unless such throwing out or unloading is allowed by the Minister or by the local regulations of such harbour or place, each of the following persons, namely, such person, the master of such vessel and the owner of such vessel, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Penalty on giving warning to persons unlawfully fishing.

291.—Every person who makes or causes to be made or aids or assists in making any signal or warning to any person engaged in fishing unlawfully of the approach of any water keeper, officer of a board of conservators, or member of the Garda Síochána shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

PART XVIII.

Powers of Water Keepers, Officers and Servants of Boards of Conservators, Garda Síochána And Other Persons for the Enforcement of this Act.

Interpretation of Part XVIII.

F248[**292.**—In this Part—

"authorised person" means, except where the context otherwise requires, any person being—

(*a*) an officer of the Minister or other person appointed in writing by the Minister to be an authorised person for the purposes of this Part,

(*b*) an officer of Inland Fisheries Ireland or other person appointed in writing by Inland Fisheries Ireland to be an authorised person for the said purposes, or

(*c*) a private water keeper;

"private water keeper" means a water keeper appointed under section 294.]

Limitations on exercise of powers conferred on members and officers of boards of conservators.

F249**[293.**—(1) The powers conferred by this Part on a private water keeper shall be exercisable only for the protection of the fisheries specified in his or her instrument of appointment.

(2) (*a*) The powers conferred by this Part on a member of Inland Fisheries Ireland or an officer of Inland Fisheries Ireland or other person appointed under this Part by Inland Fisheries Ireland to be an authorised person for the purposes of this Part shall be exercised by him or her only for the protection of the fisheries in an area or areas as may be specified in their appointment or thereafter by Inland Fisheries Ireland and for the enforcement in such area or areas of the Inland Fisheries Acts 1959 to 2010.

(*b*) A document purporting to be an appointment under this Part and to be signed by the chief executive of Inland Fisheries Ireland shall be receivable as prima facie evidence in any legal proceedings without proof either of any signature on it or that person whose signature on it was the chief executive of Inland Fisheries Ireland.

(2) Every instrument of appointment by IFI of an officer or other person to be an authorised person for the purposes of Part XVIII of the Principal Act shall be—

(*a*) prepared and printed in the prescribed form, and

(*b*) sealed with the seal of IFI,

and every document purporting to be such an instrument and to be sealed with the seal of IFI shall be admissible in any legal proceedings as prima facie evidence of such appointment.**]**

Appointment of water keepers by persons interested in fisheries.

294.—(1) Each of the following persons—

(*a*) any person interested in the preservation of the fish of any river or lake,

(*b*) any persons who have united themselves into a society for the preservation of any fishery in any river or lake,

(*c*) the owner of any fishery in any river or lake,

(*d*) the owner of any salmon fishery on the sea coast,

may, from time to time, by instrument in writing in the form set out in the Sixth Schedule to this Act, appoint any person to be a water keeper for the protection of the fisheries on such part of the sea coast or in any such lake or river or the tributaries thereof.

(2) A person appointed to be a water keeper under this section shall not act in that capacity until his appointment is confirmed (which confirmation shall be effected by endorsing the instrument of appointment) by any District Justice within whose district such water keeper is appointed to act.

F250**[**(2A) (*a*) An appointment shall not be confirmed unless the person concerned has been issued by F251**[**Inland Fisheries Ireland**]** with a certificate of suitability for appointment.

(*b*) An appointment shall be for a period not exceeding five years.

(*c*) Every appointment made before the commencement of the Fisheries (Amendment) Act, 1991, and in force at the date of the commencement thereof shall expire not later than five years after that date.

(*d*) The form of instrument of appointment set out in the Sixth Schedule to this Act may be modified in conformity with the provisions of this subsection.**]**

(3) A District Justice may upon complaint made to him revoke the appointment of a person appointed under this section as a water keeper to act within the district of such Justice, and thereupon the appointment of such person as a water keeper shall be determined.

(4) F252**[**...**]**

(5) If any person acts as a private water keeper without having his appointment confirmed under subsection (2) of this section or after his appointment has been revoked under subsection (3) of this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Water keeper's instrument of appointment sufficient warrant for exercise of powers.

295.—(1) The production by F253**[**an authorised person (other than a private water keeper)**]** of his instrument of appointment shall be a sufficient warrant for his exercising the powers conferred on an authorised person by this Act, but the production of such instrument by him shall not be necessary in exercising those powers unless he has been first required to produce it.

(2) The production by a private water keeper of the instrument of his appointment endorsed in the manner provided by section 294 shall be sufficient warrant for his exercising the powers conferred on a private water keeper by this Act.

General powers of authorised persons.

296.—(1) Any F254**[**member of the Garda Síochána or**]** authorised person may, for the purposes of the protection of the fisheries, do all or any of the following things:—

(*a*) enter into and pass through or along F254**[**or remain on**]** the banks or borders of any lakes or rivers frequented by salmon F255**[**F256**[**trout (including any rainbow trout or char)**]** or their spawn or fry, eels or coarse fish**]** or of the tributaries thereof,

(*b*) with boats or otherwise enter upon any such lakes or rivers,

(*c*) enter upon and examine all weirs, sluices, mill dams, mill races and watercourses communicating with such lakes or rivers,

(*d*) enter any boat engaged or about to engage in fishing,

(*e*) examine all standing, floating or other nets whatsoever,

(*f*) seize any unlawful fishing engine or any lawful fishing engine which is being unlawfully used,

(*g*) do all such other acts and things as he is authorised to do by or under this Act.

F254**[**(1A) Any member of the Garda Síochána or authorised person may enter any land for the purpose of enabling him to exercise elsewhere a power conferred on him by subsection (1) of this section.**]**

(2) Nothing in this section shall be construed as authorising any F254**[**member of the Garda Síochána or**]** authorised person to enter any enclosed garden or any dwelling house or the curtilage thereof except where the ordinary road or passage to any weir, dam or dyke is through such garden or curtilage.

Power of District Justice to grant warrant to enter certain places.

297.—(1) Where upon an information on oath it appears to any District Justice or Peace Commissioner that there are reasonable grounds for believing that a breach of the provisions of this Act or any instrument made thereunder has been committed within any enclosed garden or any dwellinghouse or the curtilage thereof, he may by warrant under his hand authorise any F257**[**authorised person**]** to enter the said garden or dwellinghouse or the curtilage thereof, at such times in the day or night as may be mentioned in the warrant.

F257**[**(2) (*a*) Subject to subsection (3) of this section, a warrant issued under this section shall operate to authorise the person to whom it is issued (and named therein) at any reasonable time or times within seven days of the issue of the warrant to—

(i) enter and search, if need be by force, the garden, dwellinghouse or curtilage thereof named in the warrant or any structure or building in such garden or curtilage,

(ii) require any person found on such land to furnish to him his name and address,

(iii) require a person who is in occupation or is in control or is concerned in the management of such land to furnish to him his name and address, and if the person so named has reasonable grounds for suspecting that an offence has been or is being committed under this Act with or in relation to anything found in the course of the search, the person may seize and detain that thing or anything else so found which appears to him to be something which might be required as evidence in proceedings for an offence under this Act.

(*b*) Subject to subsection (3) of this section, a warrant issued under this section shall operate enable any one or more of the following, namely, any member of the Garda Síochána, any officer of the Minister and, in case the warrant is issued to an officer of F258**[**Inland Fisheries Ireland**]**, any other person employed by that board to accompany and assist the person to whom the warrant is issued in the exercise of the powers thereby conferred on him.

(3) The powers conferred on a person named in a warrant issued under this section shall be exercisable by the person as regards a dwellinghouse only if, and only for so long as, he is accompanied by a member of the Garda Síochána.**]**

Boarding and examination of fishing vessels.

298.—(1) F259**[**Any member of the Garda Síochána or officer appointed by the Minister or by F260**[**Inland Fisheries Ireland**]]** may, subject to any directions and regulations given or made by the Revenue Commissioners, do with respect to any vessel employed in fishing, all or any of the following things:—

(*a*) board such vessel,

(*b*) examine the certificate of registry and the fishing engines of such vessel, and ascertain whether the provisions of this Act have been complied with and whether the master and other persons on board are carrying on fishing in the manner required by this Act,

(*c*) seize any unlawful fishing engine or any lawful fishing engine unlawfully used.

(2) If the master of any fishing vessel refuses to produce the certificate of registry of such vessel when required to do so by F259**[**a member of the Garda Síochána, an officer of the Minister or an officer of F260**[**Inland Fisheries Ireland**]]**, he shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Apprehension of offenders.

299.—(1) In this section the expression "authorised person" includes any person interested in the fishery in which the relevant offence is committed.

(2) If any person (in this section referred to as the offender) is found using any unlawful fishing engine or unlawfully using any lawful fishing engine or otherwise offending against the provisions of this Act or any instrument made thereunder, the following provisions shall have effect:—

(*a*) any F261**[**member of the Garda Síochána or**]** authorised person may require the offender to do the following things—

(i) desist from such offence, and

(ii) tell his name and his address,

(*b*) if the offender, after being so required, wilfully continues such offence or refuses to tell his name and address, the authorised person and any other persons acting under his directions may apprehend the offender,

(*c*) where the offender is apprehended under this section F261**[**by a person who is not a member of the Garda Síochána**]**, the authorised person shall forthwith deliver him into the custody of a member of the Garda Síochána to be dealt with according to law.

Powers in relation to weirs, fixed engines, etc.

300.—Where any F262**[**member of the Garda Síochána or**]** authorised person finds—

(*a*) during the annual close season for salmon and trout or the weekly close time—

(i) any passage in any fishing weir, fishing mill dam, fixed engine, net or contrivance closed or obstructed, or

(ii) any net or other contrivance whatsoever placed or used in contravention of this Act or any instrument made thereunder, or

(*b*) at any time, any obstruction in the free gap of a fishing weir or in a fish pass or,

(*c*) at any time, any obstruction in the waste gate appurtenant to any mill or factory when such waste gate is required, by section 122, to be open,

he may open such passages and remove such obstructions, doing no unnecessary damage, and seize and remove all things so found or used contrary to the provisions of this Act or any instrument made thereunder.

Powers of inspection, examination and detention.

301.—(1) In this section the expression "authorised officer" means any person being—

(*a*) a member of the Garda Síochána, or

F263**[**(*b*) any person, whether or not he is an officer of F264**[**Inland Fisheries Ireland**]**, appointed in writing by F264**[**Inland Fisheries Ireland**]** to be an authorised officer for the purposes of this section,**]**

(*c*) an officer of the Minister, authorised in writing by the Minister to exercise the powers conferred by this section, or

(*d*) an officer or servant of the Electricity Supply Board authorised in writing by the Minister to exercise the powers conferred by this section.

(2) Every authorised officer is hereby authorised to do all or any of the following things:—

(*a*) to stop and search any person conveying or suspected to be conveying fish of any kind or any instrument or substance used or adapted for taking fish unlawfully and to inspect any fish, instrument or substance which such person is found to be conveying and for that purpose to open and search any vehicle or package in which such fish, instrument or substance is or may be or is believed to be conveyed;

(*b*) at all reasonable times to enter upon and have free access to F263**[**search**]**—

(i) any premises in which fish is or is believed to be sold, or kept, exposed or stored for sale, or

(ii) any premises in which poison or explosive intended for the destruction of fish is or is believed to be kept, or

(iii) the premises of any person engaged in the business of carrying goods for reward, or

(iv) any aerodrome, pier, quay, wharf, jetty, dock or dock premises, or

F265**[**(iva) any hotel, guest house, restaurant, or other premises or place at which board and lodging or meals are provided for reward, or**]**

(v) any ship, boat, aircraft, railway wagon, motor lorry, cart, or other vessel or vehicle used for the conveyance of goods;

(*c*) to examine all fish found in any place which he is authorised by this section to enter and for that purpose to open any package found in such place and containing or believed to contain fish;

(*d*) to stop, enter and search, on any river, lake or estuary, or the shores thereof or any part of the sea or the shores thereof any boat used or believed to be used for fishing or containing or suspected of containing fish unlawfully captured and to examine all fish and all fishing engines found therein and for that purpose to open any package which contains or is suspected of containing any fish or fishing engine;

F266**[**(*da*) if the boat contains or he believes or suspects that it contains fish unlawfully captured he may without summons, warrant or other process take the boat and all persons thereon to the nearest or most convenient port or other place, and if he decides to take the steps mentioned in subsection (2A) of this section, he may, pending the taking of those steps, detain the boat and the persons;**]**

F266**[**(db) he may for the purpose of exercising the power conferred on him by paragraph (*da*) of this subsection use such force as he may consider necessary;**]**

(*e*) to take, remove and detain in his custody any fish (either together with or without any package in which the same may be contained) found in the course of the exercise of any of the powers conferred by this section in respect of which an offence under this Act is being or is suspected of being committed or which have been or are suspected of having been unlawfully captured;

(*f*) to take, remove and detain in his custody any fishing engine or any article liable or believed to be liable to forfeiture under this Act;

F265**[**(*ff*) to take, remove and detain in his custody any boat or vehicle liable or believed to be liable to forfeiture under this Act,**]**

(*g*) to demand and take the name and address of the person having custody of any fish or other article which the authorised officer is authorised under this section to examine and also demand and take from such person the name and address of the owner of such fish or other article.

F266**[**(2A) Where an authorised officer has in exercise of the powers conferred on him by this section taken any boat and the persons thereon to a port or other place, he shall, as soon as may be, bring the person who at the time the boat was so taken was, or who appeared to him to be, in charge of the boat, and any other person who was then thereon, and against whom, in either case, proceedings for an offence under section 65, 69, 73, 97, 127, 132 140 or 182 of the Principal Act or section 29 of the Act of 1962 or for a contravention of a bye-law described in F264**[**paragraph (a), (b), (c) or (d) of section 57 (4) of the Inland Fisheries Act 2010**]**, are or are about to be instituted before a District Justice or, where no District Justice is immediately available, a Peace Commissioner, and thereupon the District Justice or Peace Commissioner (as the case may be) shall, if he is satisfied that the proceedings are or are about to be

instituted against the person, by order directed to an authorised officer or officers require the authorised officer or officers to detain at a specified port or other place in the State either, as may be specified in the order, such boat and the person or persons brought before him or such boat only until the proceedings have been adjudicated upon by a District Justice, and the boat or the boat and such person or persons, as may be appropriate, shall be detained accordingly.**]**

(3) Where an authorised officer detains in his custody under the authority of this section any fish or other article he shall, as soon as may be, take such steps as may be proper to have the person guilty or believed to be guilty of the offence committed or believed to have been committed in relation to such fish or other article dealt with according to law.

(4) Where—

(*a*) an authorised officer detains in his custody under this section any fish, and

(*b*) such fish is likely to become unfit for human food before the matter can conveniently be dealt with by any Court,

he shall produce such fish to a Peace Commissioner and thereupon the following provisions shall apply—

(i) if the Peace Commissioner is of opinion that such fish ought to be destroyed, he shall direct such authorised officer to destroy such fish, and such fish shall be destroyed accordingly;

(ii) if the Peace Commissioner is not of that opinion, he shall direct such authorised officer to sell such fish, and such fish shall be sold accordingly.

(5) A direction by a Peace Commissioner under subsection (4) of this section directing an authorised officer to destroy or sell fish shall—

(*a*) be in writing,

(*b*) be in such form as the Minister may direct,

(*c*) describe such fish and any marks, peculiarities or other particulars thereof pointed out to that Peace Commissioner by such authorised officer,

(*d*) be conclusive evidence in every Court of the matters of fact stated therein.

(6) No authorised officer shall be liable for any loss or damage occasioned by or in the course of the exercise of any of the powers conferred on him by this section F266**[**, whether such loss or damage occurs by reason of something done personally by such officer or by a person acting under his orders,**]** unless such loss or damage was caused by him wantonly or maliciously.

(7) Every person who obstructs or impedes an authorised officer in the exercise of any of the powers conferred on him by this section or refuses to give his own name and address or the name and address of any other person (so far as known to him) when lawfully demanded under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds or, at the discretion of the Court, to imprisonment for any term not exceeding two months.

Procedure consequent upon seizure of unlawful fishing engines and lawful fishing engines unlawfully used.

F267**[302.**—Where a person, in exercise of the powers conferred on him by this F268**[**Act**]**, seizes any boat or fishing engine, he shall, as soon as may be, apply to the District Justice in whose district it was seized for an order for its disposal under this section and thereupon the following provisions shall have effect:

(*a*) if, in the case of a boat, the Justice finds that, at the time of its seizure, it had been, was being, or was about to be, used for a purpose which under this Act is unlawful, he shall order it to be forfeited;

(*b*) if, in the case of a fishing engine, the Justice finds that it is one the use of which is prohibited by law, he shall order it to be forfeited and destroyed;

(*c*) if, in the case of a fishing engine, the Justice finds that it is a lawful fishing engine which at the time of its seizure had been, was being, or was about to be, unlawfully used, he shall order it to be forfeited;

(*d*) in any other case, the Justice shall order the boat or fishing engine to be returned to the person who appears to him to be the owner thereof.**]**

Persons using fishing engines to produce licence therefor on demand.

303.—(1) In this section the expression "authorised person" includes a member of a board of conservators.

(2) Any person using any scheduled engine or having any scheduled engine erected or found with a scheduled engine in his possession in or near any fishing place, or going or returning from fishing shall on demand produce, to any F269**[**member of the Garda Síochána or**]** authorised person the ordinary licence for such engine, and, in default, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than the ordinary licence duty payable in respect of an ordinary fishing licence to use such engine and not more than double such ordinary licence duty.

(3) A person who when the production of his ordinary licence is lawfully demanded of him under this section, does not produce such licence because he is not the holder of an ordinary licence, shall be deemed to fail to produce such licence within the meaning of this section.

(4) Where a person is charged with an offence under this section consisting of a failure to produce an ordinary licence for a scheduled engine in his possession, it shall be a good defence to prove that he had the scheduled engine in his possession as a manufacturer or seller thereof and not for the purpose of using it.

F270**[**(4A) Where a person is charged with an offence under this section consisting of a failure to produce an ordinary licence for a scheduled engine in his possession, it shall be a good defence, to so much of the charge as relates to a failure to produce an ordinary licence for a trout rod or a coarse fish rod, to prove that he is a person to whom subsection (2) of section 66 (as amended by the Fisheries (Amendment) (No. 2) Act 1987) did apply when the demand to so produce was made.**]**

F270**[**(4B) This section shall not apply in respect of the use of a trout rod or a coarse fish rod where the person concerned has not reached his eighteenth birthday or has reached his sixty-sixth birthday if, on a demand being made by any member of the Garda Síochána or authorised person in accordance with subsection (2) of this section to produce an ordinary licence for the trout rod or the coarse fish rod, the person concerned produces evidence which satisfies such member of the Garda Síochána or authorised person that he is a person to whom subsection (2) of section 66 (as amended by the Fisheries (Amendment) (No. 2) Act 1987) applies.**]**

(5) This section shall not apply in respect of the use of scheduled engines in special tidal waters or in scheduled trout waters.

Production of special local licences.

304.—(1) In this section, the expression "authorised person" does not include a private water keeper.

(2) Any F271**[**member of the Garda Síochána or**]** authorised person may demand of any person fishing in special tidal waters or having in his possession in or near such special tidal waters any fishing engine for the taking of salmon or trout the production of his special local licence, and if such person refuses or fails to produce such licence there and then, he shall be guilty of an offence under this section.

(3) Where any person of whom the production of his special local licence is lawfully demanded under this section produces such licence but refuses or fails to permit the

F271**[**member of the Garda Síochána or**]** authorised person making such demand to read such licence, he shall be guilty of an offence under this section.

(4) Whenever any person of whom the production of his special local licence is lawfully demanded under this section refuses or fails to produce such licence or produces such licence but fails to permit the F271**[**member of the Garda Síochána or**]** authorised person making the demand to read such licence, such authorised person may demand of such person his name and address, and if such person refuses or fails to give his name or address or gives a name or address which is false or misleading he shall be guilty of an offence under this section.

(5) Any person guilty of an offence under this section shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(6) A person who, when the production of his special local licence is lawfully demanded of him under this section, does not produce such licence because he is not the holder of a special local licence shall be deemed to fail to produce his special local licence within the meaning of this section.

Persons using trout rods in scheduled trout waters to produce licence on demand.

305.—F272**[**...**]**

Persons using oyster fishing engines to produce licence therefor on demand.

306.—(1) In this section, the expression "authorised person" includes a member of a board of conservators.

(2) Any person using or having in his possession an oyster fishing engine in or near an oyster fishery, or going or returning from fishing shall on demand produce to any F273**[**member of the Garda Síochána or**]** authorised person the oyster fishing licence for such engine and, in default, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of not less than the licence duty for the time being payable in respect of such licence and not more than double such licence duty.

(3) Any person who when the production of an oyster fishing licence is lawfully demanded of him under this section does not produce such licence because there is no such licence shall be deemed to fail to produce such licence within the meaning of this section.

Inspection of fish passes.

307.—All fish passes shall be at all times open to inspection by F274**[**a member of the Garda Síochána or**]** an authorised person.

Penalty for assaulting or obstructing persons exercising powers under this Part.

308.—If any person assaults or obstructs any person exercising any power conferred on him by this Part, such first-mentioned person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

PART XIX.

Legal Proceedings, Fines, Forfeitures, Evidence, Inquiries and Service of Documents.

Legal Proceedings.

Trial of offences.

309.—F275**[**(1) Notwithstanding anything contained in any other enactment, an offence under the Fisheries Acts 1959 to 2006, other than the Sea-Fisheries Acts 2003 and 2006, may be heard and determined in a summary way by a judge of the District Court upon the complaint, verbal or otherwise, of a member of the Garda Síochána, the Central Board, a regional board, an officer or employee of a board, a private waterkeeper (within the meaning of Part XVIII) or any other person.**]**

(2) F276**[**...**]**

(3) Where an offence under the repealed enactments or an offence under any provision of this Act has been, or is alleged to have been committed in or upon any waters forming the boundary between two or more Districts established for the purposes of the District Court, then, notwithstanding section 79 of the Courts of Justice Act 1924 (No. 10 of 1924), proceedings in respect of the offence may be brought, heard and determined before and by a District Justice for the time being assigned to any one of the said Districts and such offence may be alleged and stated in an information or summons to have been committed in the District where it is proposed to bring the proceedings.

Appeals from the District Court.

310.—(1) Where any proceedings in the District Court for an offence under any provision of this Act are dismissed, whether on the merits or without prejudice, the prosecutor may appeal against the order of dismissal to the Judge of the Circuit Court within whose Circuit the Courthouse in which such order was made is situate.

(2) Where by virtue of subsection (1) of this section a right of appeal against an order of the District Court in any proceedings under this Act lies to a Judge of the Circuit Court, such Judge on such appeal may vary, confirm or reverse such order, and the decision of such Judge on such appeal shall be final and conclusive and not appealable.

Offences by bodies corporate.

311.—Where an offence under any provision of this Act was committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of such body corporate, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

Prosecution by Minister of offences under this Act.

312.—F277**[**...**]**

Bounds need not be set out in indictments, etc.

313.—In any action or prosecution for or in respect of any trespass or nuisance in respect of a fishery it shall not be necessary to set out in the declaration or indictment the bounds of the place in which the trespass or nuisance complained of was committed, but it shall be sufficient to state generally that the same was committed within the fishery district in which the fishery in question is situate.

Fines.

Disposal of fines.

314.—(1) This section applies to every fine imposed for any offence under any provision of this Act.

(2) Section 51 of the Court Officers Act 1926 (No. 27 of 1926), shall cease to apply to any fine to which this section applies.

(3) Every fine to which this section applies shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

(4) F278**[**...**]**

F279**[**Payments to Inland Fisheries Ireland in respect of fines for certain offences

315.— (1) This section applies to—

(*a*) an offence under any section of this Act (other than a section contained in Part XV or XVI or section 217, 290 or 323), and

(*b*) an offence against any bye-law made under section 57 of the Inland Fisheries Act 2010.

(2) Where a fine imposed for an offence to which this section applies has been paid or levied, then, unless the fine has been wholly remitted, there shall be paid to Inland Fisheries Ireland a sum equal to the fine, or, if the fine was remitted in part, of so much thereof as was not remitted.

(3) All moneys payable under subsection (2) shall be paid by the Minister out of moneys provided by the Oireachtas at such times as he or she thinks fit.

(4) A reference in subsection (2) to a fine imposed for an offence to which this section applies shall be construed as including a reference to a fine imposed under this section and not paid in whole or in part before the coming into operation of section 265 of the Policing, Security and Community Safety Act 2024.**]**

Forfeitures.

Non-obligation of Court to pronounce or record forfeit are where forfeiture falls as a statutory consequence of conviction.

316.—Where—

(*a*) a person is convicted by a District Justice of an offence under any provision of this Act, and

(*b*) the said provision provides that a particular thing shall, as a statutory consequence of conviction, stand forfeited,

then, notwithstanding any rule of law, it shall not be necessary for the said Justice—

(i) to pronounce the fact of such forfeiture at the time of adjudication, or

(ii) to record the fact of such forfeiture in the Justice's Minute Book or the Charge Sheet or in the order of conviction.

Disposal of forfeitures.

317.—(1) Where—

(*a*) any thing, which, either as a statutory consequence of conviction or by an order of a District Court, is forfeited under this Act or any instrument made thereunder, is lawfully seized, or

(*b*) any thing is ordered by a District Justice under paragraph (*b*) of section 302 to be forfeited,

the Minister may direct that such thing shall—

(i) be returned to the person who appears to him to be the owner thereof, or

(ii) be sold or otherwise disposed of in such manner as he thinks fit.

(2) Where the Minister, in pursuance of subsection (1) of this section, directs a thing to be sold, the net proceeds of the sale shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

(3) Subsection (1) of this section shall not apply to any thing forfeited under section 265, where the Court gives a direction under the said section 265 in relation to such thing.

F280**[**Payments to Inland Fisheries Ireland in respect of proceeds of certain forfeitures.

318.—(1) Where—

(*a*) anything is forfeited under—

(i) section 302,

(ii) any other section of this Act, other than a section in Part XV or XVI, or

(iii) any bye-law made under section 57 of the Inland Fisheries Act 2010,

and

(*b*) such thing is sold by direction of the Minister under section 317,

there shall be paid to Inland Fisheries Ireland a sum equal to the said net proceeds of such sale.

(2) All moneys payable under subsection (1) shall be paid by the Minister out of moneys provided by the Oireachtas at such times as he or she thinks fit.**]**

Disposal of proceeds of sale of fish in pursuance of a direction under section 301(4).

319.—(1) Where any fish are sold in pursuance of a direction under subsection (4) of section 301, the following provisions shall have effect—

(*a*) in case—

(i) proceedings are duly instituted against any person charging him with an offence under any provision of this Act in relation to such fish, and

(ii) such person is convicted of the offence, and

(iii) such fish would, but for the sale thereof, as a statutory consequence of such conviction stand forfeited, the net proceeds of such sale shall be paid into, or disposed of for, the benefit of the Exchequer in such manner as the Minister for Finance shall direct;

(*b*) in any other case, the said net proceeds shall on demand be paid to the owner of such fish;

F282**[**(*c*) where the said net proceeds are to be dealt with in accordance with paragraph (*a*), such proceeds shall be paid to Inland Fisheries Ireland.**]**

(2) All moneys payable under paragraph (*c*) of subsection (1) of this section shall be paid by the Minister out of moneys provided by the Oireachtas at such times as he thinks fit.

Evidence.

Evidence of amount of expenses incurred by the Minister.

320.—Where the Minister is entitled under section 99, 110, 112, 113, 114, 116, 117 or 129 to recover any expenses a certificate sealed with the official seal of the Minister and certifying the amount of those expenses shall be *prima facie* evidence of the amount of those expenses.

Proof of bye-laws, etc.

321.—(1) In any proceedings under the repealed enactments or this Act, a document purporting to be a copy of any instrument in writing made or issued under the repealed enactments or this Act shall, if it is certified by an officer of the Minister to be a true copy of such instrument, be *prima facie* evidence of such instrument, and it shall not be necessary to prove the signature of the person so certifying such document or that he is an officer of the Minister.

(2) Nothing in this section shall be construed as limiting or affecting the operation of section 4 of the Documentary Evidence Act 1925 (No. 24 of 1925).

Inquiries.

Notice of holding of inquiries.

322.—Where notice of the holding of an inquiry is required by this Act to be given that requirement shall be complied with if not less than fourteen days before the holding of such inquiry, the following things are done—

(*a*) there are distributed, in such manner as the Minister may direct, printed notices announcing the time and place at which the inquiry is to be held and the matters to be inquired into thereat, and

(*b*) there is published in one or more newspapers circulating in the fishery district in which the inquiry is to be held an advertisement stating the time and place at which the inquiry is to be held and the matters to be inquired into thereat.

Powers of persons appointed by the Minister to hold inquiries.

323.—(1) Any person (in this section referred to as an authorised person) appointed by the Minister to hold an inquiry under this Act, may do all or any of the following things—

(*a*) summon witnesses to attend before him at such inquiry,

(*b*) examine on oath (which such authorised person is hereby authorised to administer) witnesses attending before him at such inquiry,

(*c*) require any such witnesses to produce any documents in their power or control the production of which such authorised person considers necessary for the purposes of such inquiry.

(2) A witness before an authorised person holding an inquiry under this Act shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

(3) If any person—

(*a*) on being duly summoned to attend as a witness before an authorised person holding an inquiry under this Act makes default in attending, or

(*b*) so being in attendance as a witness, refuses to take an oath lawfully required by such authorised person to be taken, or to produce any document in his power or control lawfully required by such authorised person to be produced by him, or to answer any question to which such authorised person may require an answer,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

Service of Documents.

Service of documents.

324.—(1) (*a*) Where any document is required or permitted by this Act (including subsection (2) of this section) to be served on any person such document shall be addressed to such person and shall be served on such person in some one of the following ways:—

(i) by delivering it to such person;

(ii) by leaving it at the address at which such person ordinarily resides;

(iii) by sending it by post in a prepaid registered letter addressed to such person at the address at which he ordinarily resides.

(*b*) For the purposes of this subsection a company registered under the Companies Acts 1908 to 1924, shall be deemed to be ordinarily resident at its registered office, and every body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business in the State.

(2) Where any document is required or permitted by this Act to be served on the owner of a fishery and either such owner cannot be found in the State or the name

or address of such owner cannot after reasonable inquiry be ascertained, such document shall be deemed to have been duly served on such owner if it is served on the occupier of such fishery.

PART XX.

Miscellaneous Provisions.

Provisions in relation to Moville Area.

325.—(1) In this section—

"the Act of 1952" means the Foyle Fisheries Act 1952 (No. 5 of 1952);

"the Moville Area" means the Moville Area as defined by subsection (1) of section 2 of the Act of 1952.

(2) Save as provided by subsection (3) of this section, this Act shall not extend to the Moville Area.

(3) For the avoidance of doubts it is hereby declared that any fishery within the Moville Area which under section 8 of the Act of 1952 became vested in the Minister and the Ministry of Commerce for Northern Ireland shall be deemed not to be State land for the purposes of Part II of the State Property Act 1954 (No. 25 of 1954).

Saving for certain enactments.

326.—(1) Nothing in this Act shall be construed as affecting the operation of section 8 of the Shannon Fisheries Act 1938 (No. 7 of 1938).

(2) Nothing in this Act shall be construed as affecting the operation of the British statute (1 Vic. c. xxxix) passed in the year 1837 and entitled "An Act to enable Edward Joshua Cooper Esquire to establish and protect a Salmon Fishery upon the Lakes and Rivers of Owenmore and Arrow and also within the Bay of Ballisodare in the County of Sligo in Ireland", in so far as that British statute is in force immediately before the operative date.

Right of owner to take materials from streams.

327.—Nothing in this Act shall prejudice the right of any owner thereof to take materials from any stream.

Agents for fishery owners.

328.—(1) Any fishery owner may by power of attorney under his hand appoint an agent to act for him in carrying into execution the provisions of this Act.

(2) All things which by this Act are directed to be done by or with relation to any person may be lawfully done by or with relation to an agent appointed by him under this section and such agent may be dealt with in all respects as such person himself might have been dealt with under this Act.

(3) Every agent appointed under this section shall have full power, in the name and on behalf of his principal, to take part in or act upon any inquiry, or prosecute, oppose or defend any complaint, appeal, action, writ, suit or other proceeding or to attend, vote at and take part in any meeting or do or suffer any other act for the purposes of this Act.

(4) Every person who appoints an agent under this section shall be bound by the acts of such agent, according to the authority committed to him, as fully as if such person had so acted.

(5) Every power of attorney under this section shall be produced, inspected or registered and copies and extracts thereof made at such times and places and in such manner as the Minister may direct.

(6) A power of attorney under this section may be in the following form—

"I, A. B. of_____hereby appoint C. D. of_____ to be my lawful attorney to act for me in all respects as if I myself were present and acting, and I make this appointment under the Fisheries (Consolidation) Act 1959.

Dated this_____day of_____, 19_____ .

(Signed) A. B."

(7) Where a person is convicted of an offence under the repealed enactments or an offence under any provision of this Act, then—

(*a*) if such person is an agent for another person who is an *ex officio* conservator under section 34, he shall thereafter cease to be qualified to act as an agent for such other person in that other person's capacity as such *ex officio* conservator for a period of seven years from the date of such conviction,

(*b*) such person shall thereafter be disqualified from being appointed an agent under this section for a period of seven years from the date of such conviction.

PART XXI.

Transitory Provisions.

Continuance in office of existing conservators for electoral division.

329.—Every person who holds office as a conservator for an electoral division immediately before the operative date shall be deemed to have been elected under this Act and shall, unless he sooner dies, resigns or becomes disqualified, hold office until midnight on the day on which the next election for conservators of that electoral division is held in pursuance of section 27.

Continuance of existing officers and servants.

330.—Every person who immediately before the operative date holds any office or employment to which he was appointed under any provision of any repealed enactment shall on and after the operative date continue in such office or employment and be deemed to have been appointed thereto under the corresponding provision of this Act.

Continuance of existing authorisations.

331.—Any authority granted under any provision of any repealed enactment and not withdrawn before the operative date shall on and after the operative date continue in force and have effect as if granted under the corresponding provision of this Act.

Fishery rates struck under repealed enactments.

332.—(1) Every fishery rate struck before the operative date by a board of conservators under section 13 of the Fisheries Act 1925 (No. 32 of 1925) shall be deemed to have been struck under section 55.

(2) Every fishery rate confirmed before the operative date by the Minister under section 13 of the Fisheries Act 1925, shall be deemed to have been confirmed by the Minister under section 55.

(3) Every fishery rate struck, before the operative date, by the Minister under section 13 of the Fisheries Act 1925, shall be deemed to have been struck by the Minister under section 55.

Continuance of existing licences and certificates.

333.—Every licence issued and every certificate granted under any provision of any repealed enactment and in force immediately before the operative date shall, on and after the operative date, continue in force and be deemed to have been granted under the corresponding provision of this Act.

Continuance of existing bye-laws, orders and regulations.

334.—Each of the following instruments which was in force immediately before the operative date:—

(*a*) any bye-law made under any repealed enactment,

(*b*) any order or regulation made under any repealed enactment,

shall, on and after the operative date, continue in force and be deemed to have been made under the corresponding provision of this Act.

Amendment of certain bye-laws made under repealed enactments providing for forfeiture.

335.—Where any bye-law (being a bye-law creating an offence) made under any repealed enactment and continued in force by section 334 provides as part of the punishment for the offence and as a statutory consequence of conviction thereof that the person convicted of that offence shall forfeit a particular thing or that a particular thing shall be forfeited, the said bye-law shall be construed as if in lieu of that provision, it provided that, where a person is convicted of that offence, the thing specified in the said bye-law as the thing to be forfeited shall as a statutory consequence of conviction stand forfeited.

Section 5

FIRST SCHEDULE.

Enactments Repealed.

Session and Chapter or Number and Year (1)	Short title (2)	Extent of Repeal (3)
5 & 6 Vic., c. 106	The Fisheries (Ireland) Act 1842.	The whole Act
7 & 8 Vic., c. 108	The Fisheries (Ireland) Act 1844.	The whole Act
8 & 9 Vic., c. 108	The Fisheries (Ireland) Act 1845.	The whole Act except Sections 7 and 8
11 & 12 Vic., c. 92	The Fisheries (Ireland) Act 1848.	The whole Act
13 & 14 Vic., c. 88	The Fisheries (Ireland) Act 1850.	The whole Act
26 & 27 Vic., c. 114	The Salmon Fishery (Ireland) Act 1863.	The whole Act
29 & 30 Vic., c. 88	The Oyster Beds (Ireland) Act 1866.	The whole Act
29 & 30 Vic., c. 97	The Oyster Fishery (Ireland) Amendment Act 1866.	The whole Act
32 Vic., c. 9	The Salmon Fishery (Ireland) Act 1869.	The whole Act
32 & 33 Vic., c. 92	Fisheries (Ireland) Act 1869.	The whole Act
40 & 41 Vic., c. 42	The Fisheries (Oyster, Crab and Lobster) Act 1877.	The whole Act
44 & 45 Vic., c. 66	The Pollen Fishing (Ireland) Act 1881.	The whole Act
47 & 48 Vic., c. 48	The Oyster Cultivation (Ireland) Act 1884.	The whole Act
54 & 55 Vic., c. 20	The Pollen Fisheries (Ireland) Act 1891.	The whole Act
61 & 62 Vic., c. 28	The Mussels, Periwinkles and Cockles (Ireland) Act 1898.	The whole Act
9 Edw. VII, c. 25	The Fisheries (Ireland) Act 1909.	The whole Act
No. 6 of 1924	The Fisheries Act 1924.	The whole Act
No. 32 of 1925	The Fisheries Act 1925.	The whole Act
No. 53 of 1933	The Sea Fisheries Protection Act 1933.	The whole Act
No. 24 of 1934	The Fisheries (Tidal Waters) Act 1934.	The whole Act
No. 4 of 1935	The Shannon Fisheries Act 1935.	Sections 11, 12, and 24.
No. 48 of 1936	The Courts of Justice Act 1936.	Section 10.
No. 33 of 1937	The Sea Fisheries (Protection of Immature Fish) Act 1937.	The whole Act

No. 17 of 1939	The Fisheries Act 1939.	The whole Act
No. 6 of 1944	The Fisheries (Amendment) Act 1944.	The whole Act
No. 12 of 1945	The Electricity (Supply) (Amendment) Act 1945.	Sections 19, 20, 24, and 25.
No. 18 of 1949	The Fisheries (Amendment) Act 1949.	The whole Act
No. 27 of 1949	The Fisheries (Statute Law Revision) Act 1949.	The whole Act
No. 16 of 1953	The Fisheries (Amendment) Act 1953.	The whole Act
No. 28 of 1956	The Fisheries (Statute Law Revision) Act 1956.	The whole Act
No. 15 of 1958	The Fisheries (Amendment) Act 1958.	The whole Act

Section 3, 19 and 23.

SECOND SCHEDULE.

FISHERY DISTRICTS, ELECTORAL DIVISIONS AND NUMBER OF CONSERVATORS FOR EACH ELECTORAL DIVISION.

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	No. 1	Dublin District.	The area comprising—	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]
			(*a*) the whole of the sea and the tideway along the coast between the following points, viz., the most easterly point on Red Island, Skerries,			

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			county Dublin and Wicklow Head, county Wicklow and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
2	No. 2	Wexford District.	The area comprising— (*a*) the whole of the sea and the tideway along the coast between the following points, viz., Wicklow Head, county	F283[...]F283[...]		F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Wicklow, and Kiln Bay, county Wexford, and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
3	No. 3	Waterford District.	The area comprising— (*a*) the whole of the sea and the tideway along the coast between the following points, viz., Kiln Bay, county Wexford and Helvick Head, county	F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Waterford, and around any islands or rocks off the coast between the said points, and			
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]
4	No. 4	Lismore District.	The area comprising—	F283[...]	F283[...]	F283[...]
			(*a*) the whole of the sea and the tideway along the coast between the following points, viz., Helvick Head, county Waterford and	F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Ballycotton Pier, county Cork, and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
5	No. 5	Cork District.	The area comprising— 1. The Ballycotton Pier-Barry's Head Area, namely—	F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			(*a*) the whole of the sea and the tideway along the coast between the following points, viz., Ballycotton Pier, county Cork and Barry's Head, county Cork and around any islands or rocks off the coast between the said points, and	F283[...]	F283[...]	F283[...]
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby;	F283[...]	F283[...]	F283[...]
			2. The Barry's Head—Galley Head Area, namely—	F283[...]	F283[...]	F283[...]
			(*a*) the whole of the sea and the			

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			tideway along the coast between the following points, viz., Barry's Head, county Cork and Galley Head, county Cork and around any islands or rocks off the coast between said and points, and			
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby;	F283[...]	F283[...]	F283[...]
			3. The Galley Head—Mizen Head Area, namely—	F283[...]	F283[...]	F283[...]
			(*a*) the whole of the sea and the tideway along the coast			

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			between the following points, viz., Galley Head, county Cork and Mizen Head, county Cork and around any islands or rocks off the coast between the said points, and			
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby, and	F283[...]	F283[...]	F283[...]
			4. The Mizen Head—Crow Head Area, namely—	F283[...]	F283[...]	F283[...]
			(*a*) the whole of the sea and the tideway along the coast between the following			

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			points, viz., Mizen Head, county Cork and Crow Head, county Cork and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
6	No. 7	Kerry District.	The area comprising— 1. The Crow Head—Lamb's Head Area, namely— (*a*) the whole of the sea and the tideway along the coast between the following	F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			points, viz., Crow Head, county Cork and Lamb's Head, county Kerry and around any islands or rocks off the coast between the said points, and			
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby;	F283[...]	F283[...]	F283[...]
			2. The Lamb's Head—Foileye Area, namely—	F283[...]	F283[...]	F283[...]
			(*a*) the whole of the sea and the tideway along the coast between the following points, viz., Lamb's Head,			

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			county Kerry and Foileye, county Kerry and around any islands or rocks off the coast between the said points, and			
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby, and	F283[...]	F283[...]	F283[...]
			3. The Foileye—Kerry Head Area, namely—	F283[...]	F283[...]	F283[...]
			(*a*) the whole of the sea and the tideway along the coast between the following points, viz., Foileye, county Kerry and			

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Kerry Head, county Kerry and around any islands or rocks off the coast between the said points, and			
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.	F283[...]	F283[...]	F283[...]
7	No. 8	Limerick District.	The area comprising—	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]
			(*a*) the whole of the sea and the tideway along the coast between the following points, viz., Kerry Head, county Kerry and Hag's Head, county Clare, and around any	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
8	No. 9[1]	Galway District.	The area comprising— (*a*) the whole of the sea and the tideway along the coast between the following points, viz., Hag's Head, county Clare, and the sea point of the boundary between the townlands of Keeraunnagark	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			South and Banraghbaun South, county Galway, and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
9	No. 9[2]	Coanemara District.	The area comprising— (*a*) the whole of the sea and the tideway along the coast between the following points, viz., the sea point of the boundary between the	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			townlands of Keeraunnagark South and Banraghbaun South, county Galway and Slyne Head, county Galway, and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
10	No. 10[1]	Ballinakill District.	The area comprising— (*a*) the whole of the sea and the tideway along the coast between the	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			following points, viz., Slyne Head, county Galway and Pigeon Point near Westport, county Mayo, and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
11	No. 10[2]	Bangor District.	The area comprising— (*a*) the whole of the sea and the tideway along the coast between the following	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			points, viz., Pigeon Point, near Westport, county Mayo and Benwee Head, county Mayo, and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
12	No. 11	Ballina District.	The area comprising— (*a*) the whole of the sea and the tideway along the coast between the following points, viz., Benwee	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Head, county Mayo, and Coonamore Point, county Sligo, and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
13	No. 12	Sligo District.	The area comprising— 1. The Coonamore Point—Killaspug Point Area, namely—	F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			(*a*) the whole of the sea and the tideway along the coast between the following points, viz., Coonamore Point, county Sligo and Killaspug Point in the townland of Killaspug Crone, county Sligo, and around any islands or rocks off the coast between the said points, and	F283[...]	F283[...]	F283[...]
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby, and	F283[...]	F283[...]	F283[...]
			2. The Killaspug Point—	F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Carrickgarve Area, namely— (*a*) the whole of the sea and the tideway along the coast between the following points, viz., Killaspug Point, county Sligo and Carrickgarve, county Sligo, and around any islands or rocks off the coast between the said points, and			
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.			
14	No. 13	Ballyannon District.	The area comprising—	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			(*a*) the whole of the sea and the tideway along the coast between the following points, viz., Carrickgarve, county Sligo and Rossan Point, county Donegal, and around any islands or rocks off the coast between the said points, and (*b*) the portions, within the State, of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land, within the State, drained thereby.			
15	No. 14[1]	Letterkenny District.	The area comprising—	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			1. The Rossan Point—Horn Head Area, namely— (*a*) the whole of the sea and the tideway along the coast between the following points, viz., Rossan Point, county Donegal and Horn Head, county Donegal and around any islands or rocks off the coast between the said points, and			
15	No. 14.		(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby, and	F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			2. The Horn Head—Malin Head Area, namely— (*a*) the whole of the sea and the tideway along the coast between the following points, viz., Horn Head and Malin Head, county Donegal and around any islands or rocks off the coast between the said points, and (*b*) the whole of the several rivers, lakes and their tributaries within the State flowing into the tideway between the said points, and the land drained thereby.	F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
16	No. 17[2]	Dundalk District.	The area comprising— (*a*) the whole of the sea and the tideway, within the State, along the coast in Carling-ford Lough and along the coast between Clogher Head, county Louth and the boundary of the State and Northern Ireland and around any islands or rocks off the said coasts; (*b*) the portions, within the State, of the several rivers, lakes and their tributaries flowing into the said tideway and the land, within the	F283[...]	F283[...]	F283[...]
				F283[...]	F283[...]	F283[...]

Ref. No.	No. of fishery district.	Name of fishery district.	Area comprising fishery district.	Names of electoral divisions of fishery district.	Waters comprised in each electoral division.	Number of conservators for each electoral division
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			State, drained thereby, and (*c*) the portion, within the State, of the River Black-water and its tributaries, and the land, within the State, drained thereby.			
17	No. 17[1]	Drogheda District.	The area comprising— (*a*) The whole of the sea and the tideway along the coast between the following points, viz., the most easterly point on Red Island, Skerries, county Dublin and Clogher Head, county Louth, and around any islands or rocks off the	F283[...]	F283[...]	F283[...]

Ref. No. (1)	No. of fishery district. (2)	Name of fishery district. (3)	Area comprising fishery district. (4)	Names of electoral divisions of fishery district. (5)	Waters comprised in each electoral division. (6)	Number of conservators for each electoral division (7)
			coast between the said points, and			
			(*b*) the whole of the several rivers, lakes and their tributaries flowing into the tideway between the said points, and the land drained thereby.	F283[...]	F283[...]	F283[...]

Section 48

THIRD SCHEDULE.

ACCOUNTS OF BOARDS OF CONSERVATORS.

F284[...]

Section 68.

FOURTH SCHEDULE.

SCALE OF ORDINARY LICENCE DUTIES.

F285[PART I.

Classes of Salmon Rod Ordinary Licences.

Kind of Engine (1)	Classes of Salmon Rod Ordinary Licences				
	Salmon rod (annual) ordinary licences (2)	Salmon rod (annual) district licences (3)	Salmon rod (twenty-one day) licences (4)	Salmon rod (annual) juvenile licences (5)	Salmon rod (one-day) ordinary licences (6)

Salmon Rod	£25	£12	£10	£8	£3]

PART II.

Other Ordinary Licence Duties.

Ref. No. (1)	Kind of Engine (2)	Annual No. Licence Duty (3)
		£ s. d.
1.	Stake net or fly net	30 0 0
2.	Bag net	10 0 0
3.	Head weir	6 0 0
4.	Draft net	4 0 0
5.	Drift net	3 0 0
6.	Snap net	2 10 0
7.	Pole net	2 0 0
8.	Loop net	10 0
9.	Box for taking salmon in a fishing weir or a fishing mill dam	10 0 0
10.	Eye, gap or basket for taking eels in or on a fishing weir or a fishing mill dam	2 0 0
11.	Eel trap as used under licence in No. 171 or Drogheda District and in No. 13 or Ballyshannon District	2 0 0
12.	Long line for eels	2 0 0
F286[13.	Coghill net for eels	2 0 0]
F287[14.	Fyke nets for eels	£10 for a train of twenty nets or less together with, in case the train is one of more than twenty nets, 50 new pence for each net in excess of twenty.]

Sections 126 (2), 137 (1) (d), 138 (1) (d), 148 (2), 151 (2), 271 (2), 272 (2), 283 (2), 284 (2).

FIFTH SCHEDULE.

BYE-LAWS FIXING CLOSE SEASON FOR MOLLUSCS (OTHER THAN OYSTERS).

BYE-LAWS ALTERING ANNUAL CLOSE SEASONS FOR SALMON AND TROUT, POLLEN AND EELS, CLOSE SEASON FOR OYSTERS, AND MOLLUSCS (OTHER THAN OYSTERS), AND BYE-LAWS UNDER SECTIONS 272 AND 284.

Bye-laws fixing close season for molluscs (other than oysters).

1. Where the Minister proposes to make a bye-law under section 283 in relation to a particular locality prohibiting during a specified period or periods in each year the taking or attempting to take molluscs (other than oysters) of a particular kind from that locality or the having possession or custody of or the sale or attempted sale of molluscs (other than oysters) of that kind taken from that locality—

(*a*) the Minister shall appoint an officer of the Minister to hold an inquiry (notice of the holding whereof shall be given in accordance with section 322) into, and to report to him on, the feasibility of making the bye-law,

(*b*) after consideration of such report, the Minister may, subject to the provisions of this Act, make, in respect of molluscs (other than oysters) of that kind, a bye-law under section 283 in relation to that locality.

Bye-laws altering annual close seasons for salmon, trout, pollen and eels and close seasons for oysters and molluscs (other than oysters).

2. (1) Where—

(*a*) an application is made by any interested person to the Minister to have an inquiry held into the feasibility of altering the period which is in any locality the annual close season for salmon and trout, the annual close season for angling for salmon, the annual close season for angling for trout, the annual close season for pollen, the annual close season for eels, the close season for oysters, or the close season for molluscs (other than oysters) of a particular kind, and

(*b*) F288**[**...**]**

(*c*) the applicant, if so required by the Minister, deposits with the Minister such sum as will, in the opinion of the Minister, be sufficient to defray the expenses incurred by the Minister in relation to the inquiry and proceedings consequent thereon,

the following provisions shall have effect—

(i) the Minister shall appoint an officer of the Minister to hold an inquiry (notice of the holding whereof shall be given in accordance with section 322) and to report to him on the application,

(ii) after consideration of the report, the Minister, if he thinks fit, may, subject to the provisions of this Act, make a bye-law fixing a new period in lieu of the existing period.

(2) The period to be fixed by any bye-law made under subparagraph (1) of this paragraph fixing the annual close season for salmon and trout shall not in any case be less than one hundred and sixty-eight days.

(3) The period to be fixed by any bye-law made under subparagraph (1) of this paragraph fixing the annual close season for angling for salmon shall not in any case be less than ninety-two days and shall include the October close period for angling.

(4) The period to be fixed by any bye-law made under subparagraph (1) of this paragraph fixing the annual close season for angling for trout shall include the October close period for angling.

(5) The period to be fixed by any bye-law under subparagraph (1) of this paragraph fixing the annual close season for pollen shall include the period commencing on the 1st day of November in any year and ending on the next following 31st day of January.

Bye-laws under section 272.

3. Where—

(*a*) an application is made by any person interested in an oyster fishery in a particular locality to the Minister to have an inquiry held into the feasibility of making a bye-law under section 272 in relation to that locality prohibiting during a period the dredging for, or the taking, catching or destroying of any oysters or oyster brood in that locality, and

(*b*) the applicant, if so required by the Minister, deposits with the Minister such sum as will in the opinion of the Minister be sufficient to defray the expenses to be incurred by the Minister in relation to the inquiry and proceedings consequent thereon,

the following provisions shall have effect—

(i) the Minister shall appoint an officer of the Minister to hold such inquiry (notice of the holding whereof shall be given in accordance with section 322) and to report to him on the application,

(ii) after consideration of such report, the Minister may, subject to the provisions of this Act make a bye-law under section 272 in relation to that locality.

Bye-laws under section 284.

4. (1) Where—

(*a*) an application is made by any interested person to the Minister to have an inquiry held into the feasibility of making a bye-law under section 284 in relation to a particular locality, prohibiting during a specified period the taking or attempted taking of molluscs (other than oysters) of a particular kind from that locality, and

(*b*) the applicant, if so required by the Minister, deposits with the Minister such sum as will in the opinion of the Minister be sufficient to defray the expenses to be incurred by the Minister in relation to the inquiry and proceedings consequent thereon,

the following provisions shall have effect—

(i) the Minister shall appoint an officer of the Minister to hold such inquiry (notice of the holding whereof shall be given in accordance with section 322) and to report to him on the application,

(ii) after consideration of such report, the Minister may, subject to the provisions of this Act, make, in respect of molluscs (other than oysters) of that kind, a bye-law under section 284 in relation to that locality.

(2) Where the Minister proposes to make on his own motion a bye-law under section 284 in relation to a particular locality prohibiting during a specified period the taking or attempted taking of molluscs (other than oysters) of a particular kind from that locality—

(*a*) the Minister shall appoint an officer of the Minister to hold an inquiry (notice of the holding whereof shall be given in accordance with section 322) into, and to report to him on, the feasibility of making the bye-law,

(*b*) after consideration of such report, the Minister may, subject to the provisions of this Act, make, in respect of molluscs (other than oysters) of that kind, a bye-law under section 284 in relation to that locality.

Expenses of inquiries under paragraphs 2, 3, and 4 (1).

5. (1) The following provisions shall apply in relation to the expenses incurred by the Minister in relation to an inquiry held under paragraph 2, or 3 or subparagraph (1) of paragraph 4 of this Schedule, or proceedings consequent thereon—

(*a*) subject to this subparagraph, the said expenses shall be paid out of moneys provided by the Oireachtas,

(*b*) if, after the holding of the inquiry, the Minister is of opinion that the application therefor ought not to have been made, he may order that the said expenses or such part thereof as he may determine shall be defrayed by the applicant and in such case any money lodged under paragraph 2 or 3 or subparagraph (1) of paragraph 4 of this Schedule by the applicant shall be applied for the purpose of defraying the same, and, if the sum so deposited is not sufficient or if no money has been lodged under the said paragraph 2 or 3 or subparagraph (1) of paragraph 4 then the balance or the full amount as the case may be of the expenses ordered to be defrayed by the applicant shall be paid by him and may be recovered from him as a simple contract debt in any court of competent jurisdiction.

(2) Any moneys deposited under paragraph 2 or 3 or subparagraph (1) of paragraph 4 of this Schedule which has not been applied in accordance with subparagraph (1) of this paragraph shall be paid to the person by whom it was deposited.

Section 294.

SIXTH SCHEDULE.

FORM OF APPOINTMENT OF WATER KEEPER UNDER SECTION 294.

I, A. B. (or we, A. B. and C. D., as the case may be) of

(name the place or places of residence),

do hereby appoint E. F., of
(name the place of his residence),

a Water keeper to protect the fishery of
(name the fishery, river, or sea coast, as the case may be),

pursuant to the Fisheries (Consolidation) Act 1959; and the said E. F., of (name the place of his residence),

is hereby authorised to do all lawful acts as such Water keeper according to the provisions of the said Act.

(Signed)

To all whom it may concern.

I, the undersigned Justice of the District Court do hereby approve of the above appointment.

Number 14 *of* 1959

FISHERIES (CONSOLIDATION) ACT 1959

REVISED

Updated to 16 April 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Fisheries Acts 1959 to 2022: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Sea-Fisheries (Miscellaneous Provisions) Act 2022* (2/2022), s. 15(3)). The Acts in this group are:

- *Fisheries (Consolidation) Act 1959* (14/1959)
- *Fisheries (Amendment) Act 1962* (31/1962)
- *Fisheries (Amendment) Act 1964* (23/1964)
- *Fisheries (Amendment) Act 1976* (23/1976)
- *Fisheries Act 1980* (1/1980)
- *Fisheries (Amendment) Act 1987* (14/1987)
- *Fisheries (Amendment) (No. 2) Act 1987* (32/1987)
- *Local Government (Water Pollution) (Amendment) Act 1990* (21/1990)
- *Fisheries (Amendment) Act 1991* (26/1991)
- *Fisheries (Amendment) Act 1994* (23/1994)
- *Fisheries (Amendment) Act 1995* (27/1995)
- *Fisheries (Commissions) Act 1997* (1/1997)
- *Fisheries (Amendment) Act 1997* (23/1997)
- *Fisheries and Foreshore (Amendment) Act 1998* (54/1998), ss. 2 to 4 and, in so far as they relate to those sections, ss. 1 and 7
- *Fisheries (Amendment) Act 1999* (35/1999)
- *Fisheries (Amendment) Act 2001* (40/2001)
- *Fisheries (Amendment) Act 2003* (21/2003), other than s. 32 and s. 2 in so far as it relates to s. 32
- *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), other than Part 3 and sections 100, 102, 103 and 104
- *Water Services Act 2007* (30/2007), ss. 1(5) and 111
- *Sea-Fisheries (Amendment) Act 2019* (9/2019)
- *Sea-Fisheries (Miscellaneous Provisions) Act 2022* (2/2022), ss. 1 to 13

Acts previously included in the group but now repealed are:

- *Fisheries (Amendment) Act 1974* (25/1974)
- *Fisheries (Amendment) Act 1978* (18/1978)
- *Fisheries (Amendment) Act 1983* (27/1983)
- *Fisheries (Amendment) Act 2000* (34/2000)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.