

# SAORSTÁT EIREANN.

BILLE IASCAIGH, 1925.

FISHERIES BILL, 1925.

*Mar do ritheadh ag dhá Thigh an Oireachtais.*

*As passed by both Houses of the Oireachtas.*

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# SAORSTÁT EIREANN.

BILLE IASCAIGH, 1925.  
FISHERIES BILL, 1925.

## BILL

5

*entitled*

AN ACT TO AMEND THE FISHERIES (IRELAND) ACTS,  
1842 TO 1909, AND THE FISHERIES ACT, 1924, TO MAKE  
PROVISION FOR THE CONTROL OF DEALERS IN  
SALMON AND TROUT, AND TO PROVIDE FOR OTHER  
10 MATTERS RELATING TO THE PRESERVATION OF  
THE FISHERIES OF SAORSTÁT EIREANN.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT  
EIREANN AS FOLLOWS:—

### PRELIMINARY.

15 **1.**—(1) This Act may be cited as the Fisheries Act, 1925. Short title,  
construction,  
and citation.

(2) This Act shall be construed as one with the Fisheries  
(Ireland) Acts, 1842 to 1909, and those Acts, the Fisheries Act,  
1924 (No. 6 of 1924), the Fisheries (Election of Conservators  
Postponement) Act, 1924 (No. 43 of 1924), and this Act may be  
20 cited together as the Fisheries Acts, 1842 to 1925.

**2.**—This Act shall come into operation on such day as shall be  
fixed by order of the Minister either generally or with reference  
to any particular Part of this Act, and different dates may be  
fixed for the commencement of different Parts of this Act. Commencement.

25 **3.**—In this Act,  
the expression “the Minister” means the Minister for Fisheries; Definitions.  
the word “prescribed” means prescribed by regulations made  
by the Minister under this Act;  
the expression “fishery year” means a period of twelve months  
30 beginning on the 1st day of October and ending on the 30th day  
of September next following;  
the words “salmon,” “trout,” and “fish” respectively include  
part of a salmon, part of a trout, and part of a fish.

### PART I.

#### 35 ELECTION AND MEMBERSHIP OF BOARDS OF CONSERVATORS.

**4.**—On the first Monday in the month of October next after  
the commencement of this Part of this Act all boards of conser-  
vators existing at the passing of this Act shall cease to hold  
40 office and new boards shall be elected. Cesser of  
office of  
existing boards

**5.**—(1) It shall be lawful for the Minister by order, from time  
to time when and so often as he shall think proper, to alter the  
number of conservators to be elected and returned for any  
electoral division, but the number of such conservators shall not  
45 by any such order be increased to more than nine or reduced to  
less than three. Minister may  
alter number of  
conservators.

(2) Every order made under this section shall come into opera-  
tion in respect of each electoral division to which the order re-  
lates at the election of conservators for that electoral division  
50 held next after the date of the order.

Amendment of section 29 of Salmon Fishery (Ireland) Act, 1863.

6.—Section 29 of the Salmon Fishery (Ireland) Act, 1863, shall be construed and have effect as if the word “ district ” were inserted therein in lieu of the words “ electoral division ” now contained therein.

Amendment of section 6 of Fisheries (Ireland) Act, 1848.

7.—Section 6 of the Fisheries (Ireland) Act, 1848, shall be construed and have effect as if the words “ fifty pounds yearly or upwards ” were substituted therein for the words “ one hundred pounds yearly or upwards.”

Scale of Votes.

8.—(1) The following scale of votes shall be substituted for the scale contained in section 9 of the Fisheries (Ireland) Act, 1848, that is to say if the licence duty paid as mentioned in the said section by the person voting shall not amount to three pounds, he shall have one vote, if such licence duty shall amount to three pounds and not to six pounds he shall have two votes, if such licence duty shall amount to six pounds and not to ten pounds he shall have three votes, and if such licence duty shall amount to or exceed ten pounds he shall have four votes.

(2) In computing for the purpose of the scale contained in the foregoing sub-section the licence duty paid by any person the following sums shall not be taken into account, that is to say:—

(a) any sum of ten shillings paid by such person for fishing in a district other than that in which he already holds a salmon rod licence, or

(b) any sum of one pound paid by such person for a single salmon rod licence for a period not exceeding fourteen days.

(3) So much of the said section 9 of the Fisheries (Ireland) Act, 1848, as authorises voting by proxy shall cease to have effect and voting under that section as amended by this section shall be in person only.

Conservators may resign.

9.—(1) Any elected member of a board of conservators may at any time by notice in writing delivered to the clerk of the board resign his membership of the board, and in every such case the seat of such member on the board shall (unless the notice is previously withdrawn) become and be vacant at and from the commencement of the meeting of the board held next after the delivery of the notice to the clerk.

(2) A notice of resignation under this section may be withdrawn by a notice in writing delivered to the clerk of the board before the commencement of the meeting of the board held next after the delivery of the notice of resignation to the clerk.

(3) A notice under this section may be delivered to the clerk by leaving the same for him at his office or by sending the same by prepaid letter post in an envelope addressed to the clerk at his office, and in the last-mentioned case the notice shall be deemed to have been delivered to the clerk at the time when the envelope containing the notice would have been delivered at his office in the ordinary course of post.

Disqualification of members of boards of conservators.

10.—(1) Any elected member of a board of conservators who during a period of six consecutive months absents himself from all meetings of that board and all meetings of the conservators for the electoral division which he represents shall be disqualified for continuing to be a member of such board and one fortnight after the expiration of the period aforesaid his seat on such board shall, subject to the provisions of this section, become and be vacant.

(2) Whenever a member of a board of conservators is about to become or has become disqualified under this section from continuing to be a member of such board the Minister may, not later than one fortnight after the expiration of the period aforesaid, and if in his opinion the special circumstances of the case justify him in so doing, extend the said period by such

further period as he shall think proper, and thereupon the first sub-section of this section shall have effect in that particular case as if such extended period were substituted for the said period of six consecutive months, but no such period of six consecutive months shall be extended under this sub-section more than once.

11.—(1) Whenever during the term of office of any board of conservators the seat of any elected member of the board becomes vacant by death, resignation, incapacity, or disqualification, it shall be lawful for the other members of the board or such of them as shall be present by resolution duly passed at a meeting of the board to elect a person to be a member of the board during the residue of the term of office of the board in place of the member whose seat is so vacant. Any such casual vacancy shall be filled at or before the second meeting of the board after such vacancy occurs.

Casual vacancies to be filled by co-option.

(2) When the seat of any member of a board of conservators becomes vacant as aforesaid the other members of the board may until the vacancy is filled under this section continue to act notwithstanding such vacancy.

## PART II.

### FINANCE OF BOARDS OF CONSERVATORS.

12.—(1) The Fisheries (Ireland) Acts, 1842 to 1909, shall be construed and have effect as if in the Schedule to the Fisheries (Ireland) Act, 1848, there had been inserted the several duties mentioned in the First Schedule to this Act in lieu of the several duties mentioned at numbers 1, 3, 4, 5 and 14 in the said Schedule to the said Fisheries (Ireland) Act, 1848, and notwithstanding anything contained in the Fisheries (Ireland) Acts, 1842 to 1909, no board of conservators shall have authority to diminish or reduce any of the said duties so mentioned in the said First Schedule to this Act.

Alteration of rates of licence duty.

(2) If any board of conservators shall so determine and resolve a licence for angling with a single salmon rod in their district during the limited period of fourteen days from the date of the licence may be issued and shall be obtainable on or after the 1st day of January next after such determination and resolution on payment of the licence duty of one pound.

(3) The licence duty for long lines for eels shall be two pounds in every district in lieu of such duties for such lines as are now in force, and no board of conservators shall have authority to diminish or reduce the said licence duty of two pounds.

(4) The proviso to section 30 of the Fisheries (Ireland) Act, 1848, is hereby repealed and in lieu thereof it is hereby enacted that no person who shall have taken out a licence for a rod for a calendar year in any district shall be entitled to angle with a rod for salmon in any other district unless and until he shall have taken out a licence for a rod in such other district and paid the licence duty specified in that behalf in the First Schedule to this Act.

13.—(1) Every board of conservators is hereby empowered on or before the 31st day of December in every fishery year to which this section applies to strike a rate on all fisheries within their district rated for the relief of the poor or which but for the exemption conferred by this section would be so rated of such amount per cent. as with the estimated amount of their other income will be sufficient to meet the estimated amount of their expenditure for that fishery year.

Rates on Fisheries.

(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.

(3) Every rate struck by a board of conservators under this section and confirmed (with or without modification) by the Minister shall be duly levied, collected, and recovered by the board in the manner and with the powers provided by the Fisheries (Ireland) Acts, 1842 to 1909, in respect of rates leviable under those Acts. 5

(4) If a board of conservators shall fail to strike on or before the 31st day of December in any fishery year to which this section applies a rate for that fishery year the Minister may, if he thinks fit so to do, on or before the 28th day of February, in that fishery year strike a rate for the district of such board of conservators for such fishery year and in such case the rate so struck by the Minister shall be levied, collected, and recovered by such board of conservators in like manner in all respects as if such rate had been struck by the board and confirmed by the Minister under this section. 15

(5) Every rate made under this section and every rate struck by the Minister under this section shall be paid by the several persons rated for the same in two moieties on the 1st day of April and the 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 the Fisheries (Ireland) Acts, 1842 to 1909, or this Act for that or any other fishery year. 20

(6) Every person who is liable to be rated under the Fisheries (Ireland) Acts, 1842 to 1909 as amended by this Act in respect of a fishery shall be exempt from liability for any rate leviable by the council of any county, county borough, or urban district, or the commissioners of any town, in respect of that fishery for the local financial year commencing on the first day of April next after the commencement of this Part of this Act or for any of the nine next succeeding local financial years, and no such council or commissioners shall levy or collect any rate in respect of any such fishery for any of the said local financial years. 25 30

(7) If the Minister for Local Government and Public Health shall certify that by reason of the exemption conferred by this section from liability for rates in respect of fisheries, the amount of the rate which but for this sub-section would require to be made and levied upon and in any area for the service of a local financial year ending within ten years after the 1st day of April next following the commencement of this Part of this Act by the council of a county, county borough, or urban district, or the commissioners of a town has been increased by an amount greater than one penny in the pound, the Minister for Fisheries shall out of moneys to be from time to time provided by the Oireachtas pay to such council or commissioners before the end of such local financial year an amount equal to the sum which would be produced by a rate upon and in such area equivalent to the amount in the pound by which such increase exceeds one penny in the pound. 35 40 45 50

(8) The several provisions in relation to rating contained in the Fisheries (Ireland) Acts, 1842 to 1909, so far as the same are inconsistent with the provisions of this section shall not have effect during any fishery year to which this section applies, but save to that extent the said provisions shall apply to the rates leviable under this section in like manner as they apply to the rates heretofore leviable under the said Acts. 55

(9) This section applies to the fishery year commencing on the 1st day of October next after the commencement of this Part of this Act and to each of the nine next succeeding fishery years. 60

Board of  
conservators to  
furnish  
annual estimate.

14.—(1) It shall be the duty of every board of conservators to furnish to the Minister on or before the 30th day of November in every fishery year an estimate of all the monies to be received by them in that fishery year and of the proposed application of such monies and other proposed expenditure for that fishery year. 65

(2) The Minister may approve either without amendment or with such amendments (whether by way of alteration, addition or omission) as he may think fit, any estimate of proposed expenditure furnished to him pursuant to the foregoing sub-section of this section.

(3) From and after the first day of October next after the commencement of this Part of this Act it shall not be lawful for any board of conservators to incur any expenditure in any fishery year save only such expenditure as is mentioned in the estimate of expenditure for that fishery year as approved of by the Minister under this section and such further expenditure (if any) as may be specially sanctioned by the Minister.

15 15.—(1) The accounts of the receipts and payments of every board of conservators shall be made up yearly to the end of each fishery year and such accounts shall be audited by an auditor of the Minister for Local Government and Public Health nominated for the purpose by that Minister.

Audit of accounts of boards of conservators.

(2) The following enactments, that is to say, sections 11 to 15 of the Local Government (Ireland) Act, 1871, sub-section (2) of section 63 of the Local Government (Ireland) Act, 1898, and sections 20 and 21 of the Local Government (Ireland) Act, 1902, as amended or adapted by or under any enactment now in force shall apply to the audit and auditor of the accounts of boards of conservators in the same manner as such enactments as so amended or adapted apply to the audit and auditor of the accounts of the public bodies specified therein, save that the appeal given by those enactments as so amended or adapted from an allowance, disallowance, or surcharge to the Minister for Local Government and Public Health shall lie to the Minister for Fisheries in lieu of the Minister aforesaid and the references in the said enactments as so amended or adapted to the Minister for Local Government and Public Health shall in respect of such appeals be construed and take effect as references to the Minister for Fisheries.

(3) The Minister for Fisheries may by regulations made under this Act prescribe the form in which the accounts of boards of conservators are to be kept, the person by whom and the time within which such accounts are to be produced for audit, the mode of conducting the audit, and any other matter or thing relating to the audit of such accounts which may be necessary to enable this section to have effect.

(4) The Minister for Local Government and Public Health shall from time to time as occasion requires ascertain and determine what proportion of the salary paid to the auditor appointed to audit the accounts of a board of conservators should be charged in respect of such audit, and the amount of such proportion of such salary shall be paid by such board of conservators to the said Minister.

### PART III.

#### 50 RESTRICTIONS ON THE SALE OF SALMON AND TROUT.

16.—(1) From and after the commencement of this Part of this Act no person shall sell, expose for sale, or keep for sale any salmon or trout (other than salmon or trout preserved and sold in tins) without being duly licensed under this Act so to sell the same or at any place where he is not authorised by his licence to sell the same.

Prohibition of sale of salmon, etc., without licenses.

(2) Any person who shall, after the expiration of two months from the commencement of this Part of this Act, sell, expose for sale, or keep for sale any salmon or trout in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof in the case of a

first offence to a fine not exceeding ten pounds and in the case of a second or any subsequent offence to a fine not exceeding twenty-five pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

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(3) Any person who shall, after the expiration of two months from the commencement of this Part of this Act, buy any salmon or trout from any person whom he knows or has reason to believe to be selling the same 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 ten pounds.

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(4) This section shall not apply to a fisherman selling fish of his own lawful capture.

Issue of licences.

**17.**—(1) Every board of conservators may subject to the provisions of this Part of this Act issue through their clerk to any person applying for the same a licence for the sale of salmon and trout at such place or places within the district of the board as shall be specified by the applicant and may in like manner and subject as aforesaid from time to time renew any such licence so issued by them unless the same has been terminated under this Act.

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(2) Every application for the issue or renewal of such licence as aforesaid shall be made in writing to the clerk of the board of conservators and shall be in the prescribed form and contain the prescribed particulars, and, in the case of an application for renewal, shall be made within fourteen days before or within one month after the expiration of the existing licence or renewal.

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Certificate of Justice to be obtained.

**18.**—(1) Any person who carries on or is about to carry on the business of selling salmon or trout may apply to the Justice of the District Court in the Court District in which he carries on or intends to carry on such business for such certificate as is hereinafter mentioned, and the Justice on being satisfied that such person is a fit and proper person to receive and hold a licence under this Act for the sale of salmon and trout shall grant to such person a certificate in writing signed by the Justice that such person is a fit and proper person as aforesaid.

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(2) Every person applying to the clerk of a board of conservators for a licence under this Act for the sale of salmon and trout shall produce to the clerk a certificate granted under this section in respect of himself not more than one month previously and the production of such certificate shall be a condition precedent to the issue of such licence.

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Form, effect, and duration of licences.

**19.**—(1) Every licence issued under this Act for the sale of salmon and trout and every renewal of any such licence shall be in the prescribed form, and while the same remains in force shall operate to authorise the person named in the licence to sell and expose and keep for sale salmon and trout at the place or places (being within the district of the board of conservators by whom the licence is or was issued) specified in the licence.

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(2) Every such licence shall terminate on the death of the holder and on revocation by the Minister under this Act and may be terminated by surrender by the holder thereof.

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(3) Every such licence and every renewal thereof shall (unless the licence is previously terminated) continue in force until the expiration of the calendar year in which the licence was issued or last renewed (as the case may be) and shall then expire.

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Revocation of licences.

**20.**—(1) A licence for the sale of salmon and trout issued under this Act may be revoked by the Minister at any time within three months after the conviction of the holder of the licence of an offence under the Fisheries (Ireland) Acts, 1842 to 1909, the Fisheries Act, 1924, or this Act.

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(2) Before revoking any licence under this section the Minister shall send by registered post to the holder of the licence and to the board of conservators by whom the same was issued one fortnight's notice in writing of his intention to consider the revocation of the licence, and the Minister shall consider any representations which shall be made to him by such holder or such board before the expiration of such notice.

21.—(1) Every holder of a licence or renewal of a licence issued under this Act for the sale of salmon or trout shall cause such licence or renewal to be displayed prominently in the place or one of the places to which such licence or renewal relates during business hours, and where such licence or renewal relates to more than one place shall cause a copy of such licence or renewal to be so displayed in all such places other than the place in which such licence or renewal is so displayed.

Publication of licence.

(2) Lists of persons holding such licences as aforesaid shall be published at such times and places and in such manner and form as the Minister shall from time to time direct.

22.—(1) It shall be the duty of every holder of a licence or of a renewal of a licence issued under this Act for the sale of salmon and trout to keep or cause to be kept in every of the premises specified in such licence a register in the prescribed form of all purchases and receipts of salmon or trout for sale on such premises and of all sales of salmon or trout made on such premises and within six hours after any such purchase or receipt and within three hours after any such sale to enter in such register the prescribed particulars of such purchase, receipt, or sale (as the case may be) and of the person from or to whom the same was purchased, received or sold.

Register to be kept by holder of licence.

(2) The prescribed particulars referred to in the foregoing sub-section shall not include the price paid by the holder of the licence or renewal for any salmon or trout purchased, received or sold by him.

(3) 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 person authorised in that behalf by the Minister or by any member of the Garda Síochána, and it shall be the duty of the licence-holder and of every person keeping such register to produce for the inspection of such person or member as aforesaid 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 person or member for the purpose of verifying any entry in or explaining any omission from such register.

(4) If any holder of a licence issued under this Act for the sale of salmon and trout—

- (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 person entitled under this section to inspect the same, any register, document, or copy of a document which he is required by this section so to produce, or obstructs any person entitled under this section to inspect any register, document or copy of a document in the making of such inspection, or
- (d) 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 to a penalty not exceeding ten pounds, or in the case of a second or any subsequent offence to a penalty not exceeding twenty-five pounds.

- (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.

#### PART IV.

##### MISCELLANEOUS.

Marking of packages containing salmon or trout.

23.—(1) From and after the commencement of this Part of this Act every package containing salmon or trout in course of transit in Saorstát Eireann shall be marked conspicuously on the outside with the words "salmon and trout," or the word "salmon" or the word "trout," as the case may require, and shall also have marked thereon or on a label affixed thereto the name and address of the consignor thereof.

(2) Every person who shall send or consign for transit in Saorstát Eireann any package containing salmon or trout which is not marked in the manner required by this section shall be guilty of an offence under this section.

(3) Every person who shall carry for reward by land in Saorstát Eireann or by sea from any port in Saorstát Eireann any package containing salmon or trout 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 contained salmon or trout.

(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 ten pounds and in the case of a second or any subsequent offence to a fine not exceeding twenty-five pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

(5) For the purpose of this section a package shall be deemed to be in course of transit in Saorstát Eireann when the same is being carried by any means whatsoever from any premises or place in Saorstát Eireann to any other premises or place within or outside Saorstát Eireann or is in any place, public or private, in the course of or for the purpose of such carriage.

Powers of inspection, examination and detention.

24.—(1) Every member of the *Gárda Síochána* and every officer or servant of a board of conservators authorised in writing by such board to exercise the powers conferred by this section and every officer of the Minister authorised by the Minister to exercise the powers conferred by this section is hereby authorised and empowered to do all or any of the following things, that is to say:—

- (a) to stop and search any person conveying or believed to be conveying fish of any kind or any instrument, poison or explosive used or adapted for taking fish illegally and to inspect any fish and any such instrument which such person is found to be conveying and for that purpose to open and search any vehicle or package in which such fish or instrument is or may be or is believed to be conveyed;
- (b) at all reasonable times to enter upon and have free access to the interior of—
  - (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 believed to be kept,  
or

- (iii) the premises of any person engaged in the business of carrying goods for reward, or  
5 (iv) any pier, quay, wharf, jetty, dock or dock premises, or  
(v) any ship, boat, railway waggon, motor lorry, cart, or other vessel or vehicle used for the conveyance of goods;
- 10 (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;
- 15 (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, barge, corach, or other vessel used or believed to be used for fishing or containing or suspected of containing fish illegally captured and to examine all fish and all nets and other instruments used in fishing found therein and for that purpose to  
20 open any package which contains or is suspected of containing any fish, nets, or other instruments as aforesaid;
- 25 (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 the Fisheries (Ireland) Acts, 1842 to 1909, the Fisheries Act, 1924, or this Act is being or is suspected of being  
30 committed or which have been or are suspected of having been illegally captured;
- 35 (f) to take, remove, and detain in his custody any net or other instrument used in fishing or any article which is liable or is believed to be liable to forfeiture under the Fisheries (Ireland) Acts, 1842 to 1909, or the Fisheries Act, 1924, or this Act;
- 40 (g) to demand and take the name and address of the person having custody of any fish or other article which he is authorised under this section to examine and also to demand and take from such person the name and address of the owner of such fish or other article.

(2) When any person detains in his custody under the authority of this section any fish or other article he shall as soon as  
45 conveniently 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.

(3) Where any person detains in his custody under the authority of this section any fish and such fish is likely to become  
50 unfit for human food before the matter can conveniently be dealt with by any court, such person shall produce such fish to a Peace Commissioner, and if authorised so to do by such Peace Commissioner shall destroy such fish.

55 (4) A Peace Commissioner to whom any fish is produced in pursuance of this section shall, if he is of opinion that the fish ought in the circumstances to be destroyed, give to the person producing the fish a certificate in writing describing the fish and any marks, peculiarities, or other particulars thereof pointed out  
60 to him by such person and authorising such person to destroy the fish, which certificate shall be conclusive evidence in every court of all such matters of fact as aforesaid stated therein.

(5) No person shall be liable for any loss or damage occasioned by or in the course of the exercise of any of the powers conferred  
65 on him by this section unless such loss or damage was caused by such person wantonly or maliciously.

(6) Every person who shall obstruct or impede any person in

the exercise of any of the powers conferred on him by this section or shall refuse 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.

Appointments of officers and servants to be subject to approval of Minister.

**25.**—(1) Every appointment of a clerk, or other officer or servant made by any board of conservators after the commencement of this Act, and the salary, allowances, and tenure of office of every person so appointed shall be subject to the approval of the Minister and no such appointment shall take effect unless and until the approval of the Minister thereto is communicated in writing to the board. 15

(2) The Minister may at any time by notice in writing require any board of conservators to suspend from duty or to dismiss any clerk or other officer or servant of the board, and in the event of a board of conservators failing for a period of one month to comply with a notice under this section the Minister may himself by order suspend from duty or dismiss the clerk or other officer or servant mentioned in the notice. 20

Power of Minister to dissolve boards of conservators.

**26.**—(1) If and whenever any board of conservators has failed for a period of six months to hold any meeting or has failed during a period of six months to discharge their duties to the satisfaction of the Minister, the Minister may dissolve such board and thereupon a new election of members of such board shall be held upon such date (not being less than one fortnight or more than six weeks after the date of the order) as shall be prescribed by the order. 25

(2) Every election of members of a board of conservators in pursuance of this section shall be held and conducted in the like manner in all respects as a triennial election of the members of such board is required by law to be held, but the board so elected shall hold office only until the expiration of the triennial period for which the dissolved board was elected. 30

Power of Minister to alter, etc., fishery districts and electoral divisions.

**27.**—(1) The Minister may by order do all or any of the following things, that is to say:—

(a) alter the boundaries of any fishery district or electoral division subsisting at the date of the order, 40

(b) unite any two or more fishery districts or electoral divisions so subsisting,

(c) subdivide any fishery district or electoral division so subsisting,

(d) create new fishery districts, 45

(e) create new electoral divisions in fishery districts subsisting at the date of the order,

(f) divide any fishery district created (whether by union, subdivision or otherwise) under this section into two or more electoral divisions, 50

(g) appoint the number of conservators (but not more than nine nor less than three) to be elected for any electoral division created (whether by union, subdivision, division or otherwise) under this section or the boundaries of which are altered under this section, and either provide for the election of or himself nominate persons to act as such conservators until the next triennial elections. 55

(2) Whenever the Minister by an order made under this section creates (whether by union, subdivision, or otherwise) any new fishery district or electoral division or alters the boundaries of any then subsisting fishery district or electoral division, he shall by such order appoint the boundaries or new boundaries (as the case may be) of such district or division, and shall annex to such order a suitable map showing such boundaries or new boundaries. 60 65

(3) Whenever the Minister by an order made under this section alters the boundaries of or subdivides any fishery district or unites two or more fishery districts, or creates a new fishery district, the Minister may by the same order or by a subsequent order (which he is hereby authorised to make) direct that all or any specified part of the moneys and other assets which at the date of the order are in the hands of the board of conservators of any fishery district affected by the order shall, subject to the liabilities of such board be disposed of in such manner as the Minister thinks proper to direct and specify in such order, and when any such order is made the moneys and other assets to which it relates shall, subject to the said liabilities, be disposed of accordingly.

(4) 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 Clerk of the Peace 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 *Gárda Síochána* within the fishery districts affected by the order.

28.—(1) On and after the commencement of this Part of this Act the several powers of making, revoking or varying bye-laws, definitions, rules, regulations, and orders conferred on or exercisable by the Department of Agriculture and Technical Instruction for Ireland by virtue of the Fisheries (Ireland) Acts, 1842 to 1909, shall be transferred to, vested in, and exercisable by the Minister and shall cease to be exercisable by the Department aforesaid, and any appeal from the making, revoking or varying of any such bye-laws, definitions, rules, regulations, or orders to the Lord Lieutenant in council shall likewise cease to exist.

Power of making bye-laws, etc., transferred to Minister.

(2) Notwithstanding any appeal which may be pending but without prejudice to any order which may be made on such appeal every bye-law, definition, rule, regulation, and order made by the Minister under this section shall come into operation on the day specified in that behalf therein, and if no such day is specified shall come into operation on the twenty-eighth day after the day on which the same is made.

(3) Every bye-law, definition, rule, regulation, and order made by the Minister under this section shall, as soon as may be after the same is made, be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the district affected thereby, and a copy of every such bye-law, definition, rule, regulation, and order shall within one month after the same comes into operation be deposited with the Clerk of the Peace for every county which or any part of which is affected thereby, and with the District Court Clerk of every Court District which or any part of which is affected thereby, and in every station of the *Gárda Síochána* within the area affected thereby.

(4) Any person aggrieved by a bye-law, definition, rule, regulation, or order made by the Minister under any of the powers transferred to him by this section may, within one fortnight after the publication of such bye-law, definition, rule, regulation, or order in the *Iris Oifigiúil*, appeal against the same in accordance with rules of court made under Part 1 of the Courts of Justice Act, 1924 (No. 10 of 1924), to a court to be constituted for the purpose and to consist of one judge of the Supreme Court (who shall preside) nominated by the Chief Justice of the Irish Free State and two judges of the High Court nominated by the President of the High Court, and the Court so constituted shall have power to confirm or annul the bye-law, definition, rule, regulation, or order appealed against but without prejudice to the validity of anything done under or in pursuance of the bye-law, definition, rule, regulation, or order before the date of the order of the Court.

(5) Every order made by the said Court on an appeal under the foregoing sub-section shall be published and copies thereof shall be deposited in like manner as bye-laws made by the Minister under this section are required by this section to be published and deposited.

5

Power of appointing officers transferred to Minister.

**29.**—All the powers of appointing water-bailiffs or other officers for the purposes of the Fisheries (Ireland) Acts, 1842 to 1909, vested in or exercisable by the Department of Agriculture and Technical Instruction for Ireland shall be transferred to, vested in, and exercisable by the Minister and shall cease to be exercisable by the said Department. 10

Notice of meetings and inquiries.

**30.**—Notwithstanding anything to the contrary contained in the Fisheries (Ireland) Acts 1842 to 1909, notice of any public inquiry or public meeting held under those Acts shall be sufficiently given if given not less than fourteen days before the holding of the inquiry or meeting and in the manner hereinafter mentioned, that is to say:— 15

(a) by the distribution in such manner as may be approved of by the Minister, of printed notices announcing the time and place at which the inquiry or meeting is to be held and the matters to be inquired into or considered thereat, and 20

(b) by the publication once in one or more newspapers circulating in the district of an advertisement stating the time and place at which the inquiry or meeting is to be held and the matters to be inquired into or considered thereat. 25

Prohibition of fixed engines not now certificated.

**31.**—(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, or the Fisheries (Ireland) Act, 1869, before the 31st day of December, 1923, and was subsisting unrevoked on that day. 30

(2) Every person who shall fish with, make use of, or erect any fixed engine for the capture of salmon in contravention of this section shall be guilty of an offence under this section, and shall on summary conviction thereof, forfeit such fixed engine and be liable to a penalty not exceeding fifty pounds and a further penalty not exceeding twenty pounds for every day during which such fixed engine shall have been fished with, made use of, or erected. 40

Exemptions for artificial propagation and scientific purposes.

**32.**—(1) The Minister may by certificate in writing if he thinks fit and subject to such conditions as he shall specify in the certificate authorise the owner of a fishery or with the consent of such owner any other named person to do at any season of the year all or any of the following things, that is to say:— 45

(a) to catch or attempt to catch within the limits of such fishery and to have in his possession any salmon or trout for the purpose of artificial propagation and the young or fry of salmon, trout, and eels for the purpose of stocking that or any other fishery, 50

(b) to buy or sell ova and fry of salmon, trout, and eels for the purpose of artificial propagation or the stocking of that or any other fishery,

(c) to catch or attempt to catch and to have in his possession for scientific purposes any fish of any kind specified in the certificate. 55

(2) Notwithstanding anything to the contrary contained in any of the Fisheries (Ireland) Acts, 1842 to 1909, the Fisheries Act, 1924, or this Act, any person to whom a certificate is granted under this section may, subject to the conditions specified in the certificate, do all or any of the things which he is authorised by the certificate to do. 60

Penalty on giving warning to persons fishing illegally.

33.—Every person who shall make or cause to be made or aid or assist in making any signal or warning to any person engaged in fishing illegally of the approach of any bailiff, officer of a board of conservators, or officer of the law shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding five pounds. 5

Restriction on fishing for eels in close time.

34.—Every person who shall, during any time which is for the time being fixed by law as the close time for eels, wilfully take or fish for or aid or assist in taking or fishing for eels otherwise than with a single rod and line shall be guilty of an offence under this section and shall on summary conviction thereof forfeit every eel so taken or caught and be liable to a penalty not exceeding twenty pounds. 10

Amendment of section 78 of Fisheries (Ireland) Act, 1842.

35.—Section 78 of the Fisheries (Ireland) Act, 1842, shall be construed and have effect as if the words "between sunset and sunrise" were omitted therefrom. 15

Regulations.

36.—(1) The Minister may by order make regulations in regard to any matter or thing referred to in this Act as prescribed or as being or to be prescribed or prescribed by regulations made under this Act. 20

(2) Every regulation made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after they are made, and if a resolution is passed by either such House within the next subsequent twenty-one days on which that House has sat annulling such regulation, such regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under such regulation. 25

Prosecution of offences and disposal of fines.

37.—(1) Sub-section (2) of section 9 of the Criminal Justice (Administration) Act, 1924 (No. 44 of 1924) shall not apply to any prosecution of an offence under any section of the Fisheries Act, 1924 (No. 6 of 1924), or this Act. 30

(2) For the purposes of section 19 of the Fisheries (Ireland) Act, 1869, the expression "the Acts relating to salmon fisheries in Ireland" shall include the Fisheries Act, 1924, and this Act, and the said section 19 shall be construed and have effect accordingly. 35

Expenses.

38.—All expenses of carrying this Act into effect shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys to be provided by the Oireachtas.

FIRST SCHEDULE.

REVISED RATES OF LICENCE DUTIES.

- 1. (a) Single salmon rod for one calendar year .. .. £2 0 0
- (b) Single salmon rod for one calendar year where the applicant already holds a like licence for another district .. 10 0
- 2. Snap nets .. .. .. £2 10 0
- 3. Draft nets or seines .. .. .. £4 0 0
- 4. Drift nets of any length .. .. .. £3 0 0
- 5. Eye, gap, or basket in any weir for taking eels .. .. £2 0 0

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter	Short title	Extent of Repeal
11 & 12 Vic., c. 92 ..	Fisheries (Ireland) Act, 1848	.. Section 3.
13 & 14 Vic., c. 88 ..	Fisheries (Ireland) Act, 1850	.. Sections 6 and 10
61 & 62 Vic., c. 37 ..	Local Government (Ireland) Act, 1898	Section 37.

Saorstát Éireann.

Saorstat Éireann.

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BILLE IASCAIGH, 1925.

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FISHERIES BILL, 1925.

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BILLE

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BILL

*dá ngairmtear*

*entitled*

Acht chun na *Fisheries (Ireland) Acts*, 1842 to 1909, agus an tAcht Iascaigh, 1924, do leasú agus chun soerú do dhéanamh chun deighleálaith i mbradáin agus i mbric do chimeád fé smacht agus i dtaobh nithe eile a bhaineas le hiascach Shaorstáit Éireann do chosaint.

An Act to amend the *Fisheries (Ireland) Acts*, 1842 to 1909, and the *Fisheries Act*, 1924, to make provision for the control of dealers in salmon and trout, and to provide for other matters relating to the preservation of the fisheries of Saorstát Éireann.

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*Rithte ag dhá Thigh an Oireachtais.*  
1adh Iúl, 1925.

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*Passed by both Houses of the Oireachtas,*  
1st July, 1925.

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FOILLSITHE AG OIFIG AN TSOLATHAIR.

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