



BILLE IASCAIGH AN FHEABHAIL (LEASÚ), 1981
FOYLE FISHERIES (AMENDMENT) BILL, 1981

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

EXPLANATORY MEMORANDUM

1. The object of this Bill is to make provision for increased penalties in respect of offences under the Foyle Fisheries Acts, 1952 to 1976.
2. *Section 1* defines terms which are of general application throughout the Bill.
3. *Section 2* provides that a person charged with an offence under section 35 or 49 of the Foyle Fisheries Act, 1952, may be tried on indictment and shall, on conviction on indictment, be liable to a fine not exceeding £2,000, or to imprisonment for any term not exceeding two years, or to both such fine and such imprisonment.
4. *Sections 3 and 4* provide for increased penalties under the Foyle Fisheries Acts, 1952 to 1976. Details of the existing penalties and the proposed increased penalties are set out in the following Table.

TABLE

Section of the Foyle Fisheries Act, 1952	Present Penalty	Proposed Penalty
35 Penalty for buying, selling, exposing for sale or having possession of salmon or trout unlawfully captured.	On summary conviction a fine not exceeding £25, together with a further fine not exceeding £2 for each salmon or trout bought, sold, exposed for sale or found in a person's possession.	On summary conviction a fine (not exceeding in all £600) of an amount not exceeding £500 together with an amount not exceeding £50 for each salmon and £10 for each trout in respect of which the offence under the section is committed or imprisonment for any term not exceeding six months or both such fine and such imprisonment. On conviction on indictment a fine not exceeding £2,000 or imprisonment for any term not exceeding two years or both such fine and such imprisonment.
41 (inserted by section 3 of the Foyle Fisheries (Amendment) Act, 1961) Penalty for use or possession of deleterious matter.	On summary conviction a fine not exceeding £100 or imprisonment for a term not exceeding six months or both such fine and such imprisonment.	On summary conviction a fine not exceeding £500 or imprisonment for any term not exceeding six months or both such fine and such imprisonment.

Section of the Foyle Fisheries Act, 1952	Present Penalty	Proposed Penalty
	On conviction on indictment a fine not exceeding £500 or imprisonment for a term not exceeding two years or both such fine and such imprisonment.	On conviction on indictment a fine not exceeding £2,000 or imprisonment for any term not exceeding two years or both such fine and such imprisonment.
43 Penalty for using etc. certain devices for taking fish.	On summary conviction a fine not exceeding £100 or imprisonment for any term not exceeding twelve months or both such fine and such imprisonment.	On summary conviction a fine not exceeding £500 or imprisonment for any term not exceeding six months or both such fine and such imprisonment.
49 Penalties for taking, buying etc. unseasonable salmon or trout.	On summary conviction a fine not exceeding £100 or imprisonment for any term not exceeding twelve months or both such fine and such imprisonment.	On summary conviction a fine (not exceeding in all £600) of an amount not exceeding £500 together with an amount not exceeding £50 for each salmon and £10 for each trout in respect of which the offence under the section is committed or imprisonment for any term not exceeding six months or both such fine and such imprisonment. On conviction on indictment a fine not exceeding £2,000 or imprisonment for any term not exceeding two years or both such fine and such imprisonment.
52A (inserted by section 5 of the Foyle Fisheries (Amendment) Act, 1961) Penalty for unlawful use of boat or vehicle.	On summary conviction a fine not exceeding £100 or imprisonment for a term not exceeding six months or both such fine and such imprisonment. On conviction on indictment a fine not exceeding £500 or imprisonment for a term not exceeding two years or both such fine and such imprisonment.	On summary conviction a fine not exceeding £500 or imprisonment for any term not exceeding six months or both such fine and such imprisonment. On conviction on indictment a fine not exceeding £2,000 or imprisonment for any term not exceeding two years or both such fine and such imprisonment.
56 (4) Penalty for acting as a private river watcher without having the appointment confirmed or after the appointment has been revoked.	On summary conviction a fine not exceeding £10.	On summary conviction a fine not exceeding £200.
64 (5) Penalty for refusing to give name and address when lawfully demanded.	On summary conviction a fine not exceeding £50.	On summary conviction a fine not exceeding £200.

Section of the Foyle Fisheries Act, 1952	Present Penalty	Proposed Penalty
67 Penalty for assaulting or obstructing authorised persons.	On summary conviction a fine not exceeding £20 or imprisonment for any term not exceeding two months or both such fine and such imprisonment.	On summary conviction a fine not exceeding £500 or imprisonment for any term not exceeding six months or both such fine and such imprisonment.
69 Penalties for offences for which a penalty is not provided by any other provision of this Act. (Foyle Fisheries Act, 1952).	On summary conviction a fine not exceeding £50 and, in the case of a continuing offence, a further fine not exceeding £5 for every day during which the offence is continued after conviction.	On summary conviction a fine not exceeding £500 and, in the case of a continuing offence, a further fine (not exceeding in all £600) not exceeding £50 for each day during which the offence continues after conviction thereof.
83 (3) Penalty for failing to attend, etc. at an inquiry being held at the instigation of the Foyle Fisheries Commission in relation to the fisheries of the Foyle Area.	On summary conviction a fine not exceeding £25.	On summary conviction a fine not exceeding £200 or imprisonment for any term not exceeding three months or both such fine and such imprisonment.

5. *Section 5* inserts a new section 73 in the Foyle Fisheries Act, 1952, which provides that proceedings in the District Court for an offence under that Act may be brought only by the Director of Public Prosecutions or the Foyle Fisheries Commission or an officer of the Commission or a member of the Garda Síochána and not by any other person.

The existing section 73 provides that such proceedings may be brought by the Foyle Fisheries Commission or an officer of the Commission or a member of the Garda Síochána but not by any other person except with the consent of the Commission.

6. *Section 6* inserts a new Article 2 (a) in the Third Schedule to the Foyle Fisheries Act, 1952. The new Article empowers the Foyle Fisheries Commission to take legal proceedings (other than criminal proceedings on indictment) for the enforcement of any provision of the Foyle Fisheries Act, 1952, or of any regulations made under that Act or, in the Foyle area of any law with respect to fisheries.

The existing Article 2 (a) is identical to the new Article 2 (a) except that the existing Article 2 (a) does not clearly exclude the Commission from taking criminal proceedings on indictment.

7. *Section 7* sets out the short title etc. of the Bill. In addition it provides that the Minister for Fisheries and Forestry shall, by order, appoint a day on which the Bill, when enacted, shall come into operation.

*An Roinn Iascaigh agus Foraoiseachta,
Feabhra, 1983.*

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