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

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*Mar a ritheadh ag Dáil Éireann*  
*As passed by Dáil Éireann*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Interpretation.
2. Certain offences may be tried on indictment.
3. Alteration of certain penalties under Principal Act.
4. Amendment of section 64 of Principal Act.
5. Prosecution of offences.
6. Amendment of Third Schedule to Principal Act.
7. Short title, construction, collective citation and commencement.

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**ACTS REFERRED TO**

Foyle Fisheries Act, 1952  
Foyle Fisheries (Amendment) Act, 1961

1952, No. 5  
1961, No. 44





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

# BILL

*entitled*

AN ACT TO MAKE PROVISION FOR INCREASED 5  
PENALTIES IN RESPECT OF OFFENCES UNDER THE  
FOYLE FISHERIES ACTS, 1952 TO 1976.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—In this Act—

“the Act of 1961” means the Foyle Fisheries (Amendment) Act, 1961; 10  
“the Principal Act” means the Foyle Fisheries Act, 1952.

Certain  
offences  
may be  
tried on  
indictment.

2.—(1) A person charged with an offence under section 35 of the  
Principal Act may be tried on indictment and shall, on conviction on  
indictment, be liable to a fine not exceeding £2,000, or to imprison- 15  
ment for any term not exceeding two years, or both such fine and  
such imprisonment.

(2) A person charged with an offence under section 49 of the  
Principal Act may be tried on indictment and shall, on conviction on  
indictment, be liable to a fine not exceeding £2,000, or to imprison- 20  
ment for any term not exceeding two years or both such fine and such  
imprisonment.

(3) Any reference to summary conviction in section 35 or section  
49 of the Principal Act shall be construed as including a reference to  
conviction on indictment.

Alteration of  
certain  
penalties  
under  
Principal  
Act.

3.—(1) A person convicted by the District Court of an offence for 25  
which a penalty is provided in any section of the Principal Act specified  
in *column (2)* of the Table to this section at any reference number  
shall, in lieu of so much of the penalty so provided as consists of a  
fine, imprisonment, a fine or imprisonment, or a fine and imprison- 30  
ment, be liable to the appropriate penalty specified in *column (3)* of  
the said Table at that reference number, and that section shall be  
construed and have effect accordingly.

(2) A person convicted on indictment of an offence under section  
41 (inserted by section 3 of the Act of 1961) of the Principal Act shall, 35  
in lieu of the penalty specified in subsection (4) (b) of that section, be  
liable to a fine not exceeding £2,000, or to imprisonment for any term  
not exceeding two years or both such fine and such imprisonment,  
and the said section 41 shall be construed and have effect accordingly.

(3) A person convicted on indictment of an offence under section  
52A (inserted by section 5 of the Act of 1961) of the Principal Act 40



shall, in lieu of the penalty specified in subsection (2) (b) of that section, be liable to a fine not exceeding £2,000, or to imprisonment for any term not exceeding two years or both such fine and such imprisonment, and the said section 52A shall be construed and have effect accordingly.

(4) This section shall have effect as respects offences committed after the commencement of this Act.

TABLE

Ref. No. (1)	Section of Principal Act (2)	Penalty (3)
1.	35, 49.	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.
2.	41, 43, 52A, 67.	A fine not exceeding £500 or imprisonment for any term not exceeding six months or both such fine and such imprisonment.
3.	56(4).	A fine not exceeding £200.
4.	69.	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.
5.	83(3).	A fine not exceeding £200 or imprisonment for any term not exceeding three months or both such fine and such imprisonment.

4.—Section 64 of the Principal Act is hereby amended by the insertion in subsection (5) after “Act” of “and shall be liable on summary conviction to a fine not exceeding £200”.

Amendment of section 64 of Principal Act.

5.—The Principal Act is hereby amended by the substitution for section 73 of the following section:

Prosecution of offences.

“73.—Proceedings in the District Court for an offence under this Act may be brought only by the Director of Public Prosecutions or the Commission or an officer of the Commission or a member of the Garda Síochána and not by any other person.”.

6.—The Third Schedule to the Principal Act (as amended by the Act of 1961) is hereby amended by the substitution for Article 2(a) of the following Article:

Amendment of Third Schedule to Principal Act.

“(a) to take legal proceedings (other than criminal proceedings on indictment) for the enforcement of any provision of this Act or of any regulations made under this Act, or, in the Foyle area, of any law with respect to fisheries;”.

7.—(1) This Act may be cited as the Foyle Fisheries (Amendment) Act, 1983.

Short title, construction, collective citation and commencement.

(2) The Foyle Fisheries Acts, 1952 to 1976, and this Act shall be construed together as one Act and may be cited together as the Foyle Fisheries Acts, 1952 to 1983.

(3) This Act shall come into operation on such day as the Minister may by order appoint.



BILLE IASCAIGH AN FHEABHAIL  
(LEASÚ), 1981

FOYLE FISHERIES (AMENDMENT) BILL,  
1981

BILLE

*dá ngairtear*

Acht do dhéanamh socrú le haghaidh pionóis  
mhéadaithe maidir le cionta faoi Achtanna  
Iascaigh an Fheabhail, 1952 go 1976.

BILL

*entitled*

An Act to make provision for increased penalties  
in respect of offences under the Foyle Fish-  
eries Acts, 1952 to 1976.

*An tAire Iascaigh agus Foraoiseachta a thíolaic*

*Presented by the Minister for Fisheries and  
Forestry*

*Ritheadh ag Dáil Éireann,  
8 Feabhra, 1983.*

*Passed by Dáil Éireann,  
8th February, 1983.*

BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,  
An Stua, Ard Oifig an Phoist, Baile Átha Cliath, nó trí  
aon díoltóir leabhar.

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