CHAP. 92.

An Act to amend the Laws relating to the Fisheries of Ireland. A.D. 1869.

[9th August 1869.]

WHEREAS it is expedient to amend the laws relating to the fisheries of Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "Fisheries (Ireland) Act, 1869."

Application of Act.

2. This Act shall not apply to England or Scotland.

Commencement of Act.

3. This Act shall commence and have effect on the first day of October one thousand eight hundred and sixty-nine.

Interpretation of term.

4. In this Act,—

The term "Lord Lieutenant" means Lord Lieutenant of Ireland and the Lords Justices or other Chief Governors or Governor of Ireland for the time being.

Appointment of Inspectors, &c.

Inspectors to execute Act.

5. From and after the commencement of this Act the Inspectors of Fisheries for the time being acting in execution of The Salmon Fishery (Ireland) Act, 1869, and one other person to be appointed in manner by this Act provided, shall be Inspectors for the execution of this Act.

Power to Lord Lieutenant to appoint one Inspector.

6. From and after the commencement of this Act it shall be lawful for the Lord Lieutenant to appoint a fit person to act together with the said Inspectors of Fisheries in the execution of this Act, and the person so appointed shall hold his office during the pleasure of the Lord Lieutenant; and in case of the death, resignation, incapacity, or removal from office of such person it

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shall be lawful for the Lord Lieutenant to appoint a fit person in his place.

Inspectors of Irish Fisheries.

7. The Inspectors acting in the execution of this Act shall be styled "the Inspectors of Irish Fisheries," and all and every the powers, authorities, and jurisdictions by this Act given may be exercised by the said Inspectors and any one of them: Provided always, that all warrants for the removal of fixed engines, and all certificates relating to fixed engines, shall be signed by at least two of the said Inspectors, and that all byelaws, rules, orders, and regulations shall be made by at least two of the said Inspectors.

Transfer of powers, &c. to inspectors.

8. From and after the commencement of this Act all powers, rights, privileges, authorities, jurisdictions vested in or exercised by, and all duties imposed upon the Commissioners of Public Works in Ireland, the Inspecting Commissioner of Fisheries, and the said Inspectors of Fisheries appointed under the Salmon Fishery (Ireland) Act, 1869, or any of them, in relation to oyster, white sea, and salmon fisheries in Ireland by any Act relating thereto, shall be transferred to and vested in and may be exercised and shall be discharged by the Inspectors of Irish Fisheries acting in the execution of this Act during their continuance in office.

Lord Lieutenant, with consent of Treasury, to fix salaries, &c. and appoint additional officers.

9. From and after the commencement of this Act, it shall be lawful for the Lord Lieutenant, with the approval of the Commissioners of the Treasury, to fix such salaries as he may think fit for the said Inspectors of Irish Fisheries acting in the execution of this Act, and also, with the like approval, to appoint such additional officers, clerks, and servants at such salaries as he may think proper and necessary, and from time to time to dismiss such officers, clerks, and servants, and appoint others in their place; such salaries to be paid out of moneys to be provided by Parliament for that purpose.

Byelaws.

Byelaws.

10. The Inspectors of Irish Fisheries shall in addition to their other duties, as soon as they conveniently can, make local and other inquiry into the expediency and necessity of altering, amending, or repealing any definition of the boundaries of the mouth or estuary of any river, or any byelaws heretofore made, or of making new definitions of the boundaries of the mouths or estuaries of rivers, or new byelaws relating to fisheries in Ireland; and if on such inquiry they shall be satisfied of such expediency or necessity, it shall be lawful for them, subject to the approval of the Lord

Lieutenant in Council, and an appeal to him in Council, to alter, amend, or repeal any such definition or any of such byelaws, and to make such new definitions or byelaws as they may deem expedient, and all the provisions relating to byelaws and to an appeal against the same contained in the Acts incorporated with this Act shall apply to definitions and byelaws altered, amended, repealed, or made under the provisions of this Act.

Recovery of Fishing Boats and Gear picked up at Sea.

Fishing boats and gear, &c. picked up at sea to be delivered at nearest coast-guard station.

11. Any person who shall find or pick up at sea any fishing boat, rigging, gear, or other appurtenance of fishing boats, or any net, buoy, float, or fishing implement whatsoever, shall as soon as possible deliver up same to the officer in command of the nearest coast-guard station, and such officer shall be considered as the agent of the receiver of wreck, and shall place the same in the custody of the receiver; and any person wilfully acting in contravention of this section shall, upon conviction thereof before any justice or justices sitting in petty sessions, be liable to a penalty not exceeding ten pounds.

Agreements between Owners of Vessels, &c. and Crews.

Inspectors to make regulations as to voluntary agreements.

12. The Inspectors of Irish Fisheries may prepare, subject to the approval of the Lord Lieutenant, forms of agreements between owners of fishing vessels or boats and crews, as to the period and nature of service, and remuneration, whether such remuneration be based upon share of profit or otherwise, and such forms of agreement may contain any other stipulations which are not contrary to law; and copies of such forms shall be furnished by the Inspectors of Irish Fisheries to any person requiring the same.

Provisions as to agreements.

13. In case of any breach of any agreement duly made between the owner of any fishing vessel or boat and crew according to the terms prescribed in any form prepared in manner aforesaid, it shall be lawful for any justice or justices sitting in petty sessions, on proof of any such breach as aforesaid, to award to the party aggrieved such compensation with costs as to him or them shall seem right, and to order the same to be paid by the party who shall have committed such breach; or, in case such breach shall be the desertion of any of the crew, then such justice or justices may, if he or they shall think fit, commit such deserter to gaol for any term not exceeding two months.

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Oyster Fisheries.

Power to make oyster beds. 8 & 9 Vict. c. 108. s. 17. and 13 & 14 Vict. c. 88. s. 41.

14. It shall be lawful for the owner of any several fishery, or the owner of the soil and bed of any estuary, or the owner or occupier of any land bordering on the sea or any estuary, with the licence in writing of the Inspectors of Irish Fisheries, or for any person or persons, with the consent in writing of such owner or occupier, and with the licence of the said Inspectors and the approval of the Lord Lieutenant, to form or plant any oyster bed or laying on the shore adjacent to such lands, and between high-water and low-water mark, and above or below the level of the lowest water mark of spring tides, or for any person or persons, without such consent as aforesaid, but with the licence of the said Inspectors, to form or plant any oyster bed below low-water mark, subject nevertheless to the approval of the Lord Lieutenant, and subject to the right of appeal to the Lord Lieutenant in Council, and all the provisions relating to the granting of licences, and to an appeal against the same, contained in the Act incorporated with this Act, shall apply to licences granted under the provisions of this Act: Provided always, that no such licence shall be granted within the limits of any several fishery without the consent in writing of the owner of such fishery; and provided also, that in case of any licence being granted to any occupier of any land bordering on the sea or any estuary as aforesaid, or to any person with his consent, such licence shall only continue and be in force during the continuance in occupation of the person who was in occupation at the time of the granting of the said licence; and in the case of any licence being granted to any person with the consent of any owner, such licence shall only continue and be in force for such period as shall be named in the consent of such owner; and provided also, that the powers to be granted under this Act for the purpose of forming or planting oyster beds or layings shall not, except for the purposes aforesaid, affect any rights in or over the shore or bed of the sea.

Salmon Fisheries.

Power to Inspectors to alter close season for angling.

15. The Inspectors of Irish Fisheries shall, as regards the altering of the close season for angling with single rod and line in any river or district, or any part thereof, have all and the like powers and authorities which by this Act are transferred to and are vested in them in relation to the altering of the close season for nets and other engines for the capture of salmon: Provided always, that such close season shall not comprise fewer than ninety-two days.

Penalty for fishing with fixed engine without certificate of commissioners or inspectors.

16. Any person who shall fish with, make use of, or erect any fixed engine for the capture of salmon without having obtained a certificate from the Special Commissioners for Irish Fisheries, under the provisions of "The Salmon Fishery (Ireland) Act, 1863," or a certificate from the inspectors acting in the execution of this Act in regard to such fixed engine, shall forfeit such fixed engine and incur a penalty of fifty pounds, and a further penalty of twenty pounds for every day during which such fixed engine shall have been erected, used, or fished with; and any person authorized to enforce the provisions of this Act and of the Acts therewith incorporated may seize and take possession of any such fixed engine: Provided always, that where the Court of Queen's Bench shall on appeal from the decision of the said commissioners or inspectors have decided that any such fixed engine is legal, the said inspectors shall give a certificate to that effect to the person entitled thereto.

Licences to fish with rod and line only to entitle person named therein to fish. Penalty for fishing without, as in sect. 12 of 13 & 14 Vict. c. 88.

17. Every licence to fish with single rod and line shall have the name and address of the person to whom the same shall be sold written thereon in clear and legible characters, and such licence shall not be transferred to or available for any person except the person named therein; and any person fishing with single rod and line, without a licence so to do, shall be subject to the same penalty as is imposed by section twelve of the Act passed in the thirteenth and fourteenth years of the reign of Her present Majesty, chapter eighty-eight, upon persons using any engine, net, instrument, or device without being duly licensed.

Miscellaneous.

Inspectors to aid Commissioners of Public Works in certain cases.

18. The Inspectors of Irish Fisheries shall, when so directed by the Lord Lieutenant, report for the information of the Commissioners of Public Works in Ireland in regard to the necessity for, and the advantage to be derived by the fisheries from any work which may be proposed to be carried out under the provisions of the Acts enumerated in the Schedule B. to this Act annexed.

Application of penalties.

19. One third of every sum of money levied as a fine, penalty, or forfeiture under the Acts relating to salmon fisheries in Ireland shall be paid to the person who shall be the means of bringing to justice any person committing any offence against any of the provisions of the said Acts, and the remainder of such sum shall be paid to the Board of Conservators of the district in which the offence was committed, or their authorized officer, and shall be applied to the purposes of the said Acts for such district.

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Incorporation of Acts as in Sched. A.

20. The Acts enumerated in the Schedule A. to this Act annexed shall be incorporated with this Act, and be read and construed together as one Act, except where the provisions thereof are altered by this Act or are repugnant thereto; and in the construction of the said Acts the words "order or decision of any court," or words to the like effect, shall include orders or decisions of the Special Commissioners for Irish Fisheries under the provisions of "The Salmon Fishery (Ireland) Act, 1863," or the said Inspectors of Irish Fisheries.

SCHEDULE A.

5 & 6 Victoria, chapter 106.
7 & 8 Victoria, chapter 108.
8 & 9 Victoria, chapter 108.
9 & 10 Victoria, chapter 114.
11 & 12 Victoria, chapter 92.
13 & 14 Victoria, chapter 88.
26 & 27 Victoria, chapter 114.
29 & 30 Victoria, chapter 88.
29 & 30 Victoria, chapter 97.
32 Victoria, chapter 9.

SCHEDULE B.

9 & 10 Victoria, chapter 3.
10 & 11 Victoria, chapter 75.
29 & 30 Victoria, chapter 45.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.