

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. CXIV.

An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the *Irish* Fisheries. [28th *August* 1846.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to regulate the Irish Fisheries:* And whereas the same was amended by an Act of the Seventh and Eighth Years of the Reign of Her said Majesty, and was again amended by another Act of the Eighth and Ninth Years of the Reign of Her said Majesty; and it is by the said first-recited Act, amongst other things, enacted, "that from and after the First Day of *January* in the Year One thousand eight hundred and forty-four no Fish of the Salmon Kind shall be taken in or from any River, Lake, or Estuary whatsoever, or on the Sea Coast, between the Twentieth Day of *August* in any Year and the Twelfth Day of *February* in the Year following, by any Person, save and except in any River, Lake, or Estuary, or any Part of the Sea Coast where the catching of Salmon shall be permitted during such Period by the said Commissioners, in conformity with the Powers therein-after vested in them for that Purpose:" And whereas it is expedient that the said first-recited Act, and the Acts amending the same, should be further amended in relation to the Close Time or Close Season for

5 & 6 Vict. c. 106.
7 & 8 Vict. c. 108.
8 & 9 Vict. c. 108.

for Salmon: 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, That from and after the passing of this Act so much of the said recited Provision as specifies the said Close Time or Close Season in which no Fish of the Salmon Kind shall be taken shall be and the same is hereby repealed, save and except as to any Matter or Thing heretofore done, or any Penalty heretofore incurred in respect of the same; and from and after the passing of this Act, as regards the rest of *Ireland* and the Sea Coast thereof (save the Counties herein-after mentioned and the Sea Coast of the same), no Fish of the Salmon Kind shall be killed, destroyed, or taken, by any Person or by any Means whatever, in or from any Estuary or on the Sea Coast, or in or from the Tideway of any River or Lake, or the Part thereof where the Tide ebbs and flows, at any Time between the First Day of *September* in each Year and the Thirty-first Day of *January* in the Year following, both the said Days inclusive; and no Fish of the Salmon Kind (save as herein-after provided) shall be killed, destroyed, or taken by any Person or by any Means whatsoever, in or from any Part of any River or Lake above the Tideway, or Portion thereof where the Tide ebbs and flows, at any Time between the Fifteenth Day of *September* in each Year and the last Day of *February* in the Year following, both the said Days inclusive: Provided always, that in any such Part of any River or Lake above the Tideway, or Portion thereof where the Tide ebbs or flows, no Fish of the Salmon Kind shall be killed, destroyed, or taken between the First and Fourteenth Days of the Month of *September*, both the said Days inclusive, by any Person, by means of any Weir, Crib, Cruive, Box, Trap, Draw Net, Haul Net, fixed Net, or other Net or Device whatsoever, save by Rods and Lines only.

So much of recited Provision as defines the Close Time for Salmon repealed.

Close Time for Salmon in the Sea and Tideways shall be from 1st of Sept. to 31st of Jan. inclusive.

Close Time for Salmon in Rivers or Lakes above Tideway from the 15th of September to last Day of February inclusive, but from the 1st to the 14th of September Salmon shall be taken only by Rod and Line.

II. And whereas in many of the Rivers aforesaid permanent or fixed Weirs, with Boxes, Cribs, or Cruives, for the taking of Salmon, are now held under Charter, Patent, Grant, Act of Parliament, or prescriptive Right, and are placed or constructed wholly or partially across such Rivers, in the fresh-water Portions thereof, above the Place where the Tide ceases to flow: And whereas in such Cases where any such permanent or fixed Weirs are situate within Two Miles from the Place where the Tide ceases to ebb and flow, and no fishing or other Weir is situate or interposed between such permanent or fixed Weirs and the Place where as aforesaid the Tide ceases to ebb and flow, good Fish of the Salmon Kind may, without Injury to the Fisheries, and with Advantage to the Public, be taken during the Month of *February* in each Year; be it therefore enacted, That nothing herein-before contained shall be construed to prevent the Owners or Tenants of such Weirs so circumstanced as aforesaid from using the same, and it shall be lawful for them to use the same, to take therein or thereat Fish of the Salmon Kind, in such Boxes, Cribs, or Cruives of such Weirs, or by the drawing of Nets at or near such Weirs, or in any Part of such Rivers between such Weirs and the Tideway, or Portion thereof where the Tide ebbs and flows, during any Part of the Month of *February*, in like Manner as if such Weirs were

Nothing to prevent Owners, &c. from using Fishing Weirs above Termination of Tideway, and within Two Miles therefrom, during the Month of February.

were situate within the Tideway or Place where the Tide ebbs and flows: Provided always, that in all other respects such Weirs, and the Persons using, possessing, tenanting, or fishing the same, shall be subject to the Provisions of the said recited Acts and this Act in relation to the same.

Weirs, &c., to be subject to Provisions of recited Act, &c.

III. And be it enacted, That in any of the following Counties, or on the Sea Coast of the same, or any of them, (that is to say,) the Counties of *Antrim*, *Tyrone*, *Donegal*, *Londonderry*, *Mayo*, *Fermanagh*, *Leitrim*, and *Sligo*, no Fish of the Salmon Kind shall be killed, destroyed, or taken, by any Person or by any Means whatever, in or from any River, Lake, or Estuary whatsoever, or on the Sea Coast, between the Twentieth Day of *August* in any Year and the Thirty-first Day of *January* in the Year following, both the said Days inclusive.

In certain Counties the Close Time to be from 20th August to 31st January.

IV. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person from killing, destroying, or taking any Fish of the Salmon Kind during such Periods as aforesaid, or any of them respectively, in or from any River, Lake, or Estuary, or on any Part of the Sea Coast where the catching of Salmon shall be permitted during such Periods or any of them respectively by the said Commissioners, in pursuance of the Powers vested in them for that Purpose by the said first-recited Act, or any Act or Acts amending the same.

Nothing herein contained to prevent fishing in any Lake, Estuary, or on the Sea Coast where the fishing shall be permitted by the Commissioners.

V. And be it enacted, That the said respective Close Times for Fish of the Salmon Kind, as fixed by this Act, shall be observed and kept in the like Manner in every respect as the Close Time for such Fish by the said recited Acts or any of them provided; and the Observance thereof respectively shall and may be enforced by all the Means, Powers, Persons, and Authorities provided in respect of such Close Time in the said recited Acts or any of them; and the Provisions of the said recited Acts, so far as the same are applicable, and not varied by this Act, shall be extended and applied to the respective Close Times hereby fixed, as if the same had been set forth in the said recited Acts; and all Persons guilty of any Breach of any of the Provisions of the said Acts or any of them, or this Act, relating to such respective Close Times, or offending in any respect against the Provisions of this Act, shall be liable to the like Penalties and Forfeitures as are provided by the said recited Acts or any of them, as if the respective Times, Periods, Matters, and Things herein provided to be observed and done were set forth in the said recited Acts, and the Matters and Things provided to be done for Observance of the Close Season in the said Acts were set forth in this Act; and all such Powers, Authorities, and Provisions for or in relation to the Enforcement of the Observance of the Close Season or Seasons, or for or in relation to the altering of the Close Season or Seasons, provided and given by the said recited Acts or any of them, shall extend and apply to the Subjects and Purposes of this Act, and may be used and exercised for enforcing the Provisions of this Act, in as full and effectual a Manner as if they were set forth in this Act, and applied and extended by express Terms

Penalties, Forfeitures, and Regulations for enforcing Observance of Close Season.
5 & 6 Vict. c. 106.
7 & 8 Vict. c. 108. §§ 1. 2.
8 & 9 Vict. c. 108, §§ 1. 10. 14. 23. 24.

to the Subjects and Purposes thereof; and all such Penalties and Forfeitures shall and may be sued for, recovered, and levied in the same Manner as by the said recited Acts provided in Cases of Offences prohibited by the said Acts or any of them.

Interpretation of Act.

VI. And be it enacted, That this Act and the said recited Acts shall be construed as One Act; and the said recited Acts shall remain in full Force and Effect, except so far as the Provisions of the same are repealed or altered by or are inconsistent with this Act; and the Commissioners for the Execution of the said Acts shall be Commissioners for the Execution of this Act; and, save when the Nature of the Provision or the Context shall exclude such Construction, Words and Expressions to which a particular or extended Meaning is given in the said recited Acts or any of them shall have or include the same particular or extended Meaning in this Act.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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