

Becoming a Waterkeeper



Webmaster note:

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Club and private waterkeepers perform a vital role in keeping waters free from pollution, netting and illegal angling. The post of waterkeeper is open to anyone who has an "interest" in any water containing game or coarse fish, but the post is most suitable to those who are members of a club or association or to those who own or run fisheries.

Despite the position being open to all there is little information available on the internet on how to best apply for the position or how to go about making your application. This document is intended as a guide to those interested in becoming a waterkeeper, however it is not a legal statement and has not been authorised by any fisheries board or court. It is a guide and a guide only.

Your Application

The first thing that you will need to do is to join a club or association for the waters you are interested in, the post of waterkeeper is legally open to non club members, however being a member of a recognised group will greatly increase your chances of being accepted to the position by your regional fisheries board.

If you are not a member then you could try and join right away and that should be fine, the reason you need to belong to a club is that the boards will require a letter of support from the club stating that you are a member and that they support your application, if you are only a new member then you should ring up the chairman and tell him that you are hoping to become a keeper to protect the club waters, most clubs will be happy to have a new keeper as most are well aware of the current problems with pollution and fish removal (there is a generalised example at the bottom of this document to show the form the support letter should take, it should be on headed club notepaper).

Once you are a member and have a letter of support, you should write a letter to the CEO of your local board to apply (no harm sending a few to different members of the board to make sure they get one). In the letter state that you want to become a keeper, why you want to (I know a lot of people are aware that many foreign nationals have been implicated in illegal fishing but don't be race specific in any way) why you would be suitable, a brief CV type description of your background and try to include anything that will help your cause, include a copy of your support letter and the board should get back to you, you are legally entitled to a response.

Do not phone, make sure it's a letter, they will need it in writing. An example application letter is at the very bottom of this document.

Once you have been approved by the fisheries board, the CEO will inform you and will send you a letter of suitability, some duty information and an appointment letter which has to be filled out and signed by your club secretary or chairman. The final step in the process is to bring your appointment letter to your local district court judge to be signed. To do this you should make contact with the court clerk to inform them of your arrival and they will tell you the next day on which the court is sitting. You will then need to show up on the morning of the court sitting and make yourself known to the clerk. You will either be called by the judge to have your form signed in open court or else he may sign it in his chambers and return it to you, this is at the judge's discretion. It might be no harm to bring a copy of the legislation below with you on the day. Once your letter of appointment is signed it becomes your warrant and you are now a certified officer of the court.

As a first step I would suggest getting back in touch with the fisheries board to let them know you are active and perhaps also contacting the local garda station, just to introduce yourself and make them aware of what you will be doing. The power given to a waterkeeper is set down in the fisheries consolidation act of 1959, which is below.

Fisheries Consolidation Act 1959

Section 294 Waterkeepers

The notes set out below are a summary of the powers, duties, responsibilities of a Section 294 Waterkeeper together with suggestions on approach and practical ways of dealing with situations that may arise.

Appointment of a Waterkeeper

Section 294 of the 1959 Act establishes that **any person** may be appointed to be a **Private Waterkeeper**. Of course certain conditions must apply before such appointment can be rendered effective. Section 294 requires that the appointment be by Instrument in writing in the form set out in the Sixth Schedule to the 1959 Act and defines the persons who may make such appointment viz: -

- (a) any person interested in the preservation of the fish of any river or lake
- (b) any persons who have united themselves into a Society for the preservation of any fishery in any river or lake
- (c) the owner of any fishery in any river or lake
- (d) the owner of any salmon fishery on the sea coast

Sub-Section (2) of said Section requires that such appointment be confirmed by the District Judge within whose District such Waterkeeper is appointed to act. Sub-Section (4) requires that the Instrument of Appointment be subject to a stamp duty of fifteen pounds.

Section 17 of the 1991 Act provides that an appointment shall not be confirmed unless the person concerned has been issued by the appropriate Regional Board with a Certificate of Suitability for appointment and also that the appointment shall be for a period not exceeding 5 years.

The letter of appointment (in the format required by Sixth Schedule of 1959 Act), details the waters that the Section 294 Waterkeeper is authorised to cover. It is important to include all waters that a club has an interest in. Section 293 (1) provides that “the powers conferred by this Part on a **Private Waterkeeper** shall be exerciseable only for the protection of the

Fisheries specified in his Instrument of Appointment”. The letter of appointment together with the certificate of suitability should be given to a District Court Clerk before a court sitting. The Judge may sign the letter of appointment during a court sitting, or in his chambers before or after. Only when the letter of appointment is signed does it become an effective legal document.

It is recommended that at least one photocopy of the letter of appointment be retained in a secure place. The Waterkeeper should have in his possession a copy of the letter of appointment at all times. This letter of appointment (warrant) must be produced on demand by a Waterkeeper prior to exercising his powers.

Powers of a Section 294 Waterkeeper

Any “**authorised person**”, (Private Waterkeeper for the purpose of this document only) may for the purposes of the protection of Fisheries, do all or any of the following things:-

- a. Enter into and pass through or along or remain on the banks or borders of any lakes or rivers frequented by salmon, trout, char or their spawn or fry, eels or coarse fish or of the tributaries thereof.
- b. With boats or otherwise enter upon any such lakes or rivers.
- c. Enter upon and examine all weirs, sluices, mill dams, mill races and water courses communicating with such lakes or rivers.
- d. Enter any boat engaged or about to engage in fishing.
- e. Examine all standing, floating or other nets whatsoever.
- f. Seize any unlawful fishing engine or any lawful fishing engine which is being unlawfully used.
- g. Do all such other acts and things as he is authorised to do by or under this Act. (Including the enforcement of the provisions of the Fisheries Acts intended for the protection of private fisheries).

Additional powers are included below (see apprehension of offenders and Section 306) . Before dealing with an offender the Waterkeeper should assess the situation and decide if he will require help or backup either from fellow Waterkeepers, the Fisheries Board or Garda Siochana.

Experience has shown that a friendly approach works best, asking how’s the fishing, passing the time of day etc., followed by an introduction of who you are. The Authoritarian production of warrant first, usually puts the person on the defensive and often “gets their backs up”.

When exercising powers use your common-sense, if you must traverse a cultivated field , use the perimeter not the short diagonal route through the middle of the field, for obvious reasons.

When seizing rods, nets or other items Section 302 of 1959 Act sets the procedures to be followed.

Section 302 “where a person in exercise of the powers conferred on him by this Act, seizes any boat or **fishing engine**, he shall **as soon as may be**, apply to the District Judge in whose District it was seized for an Order for its disposal under this Section and thereupon the following provisions shall have effect:

- (a) If, in the case of a boat, the Judge finds that, at the time of its seizure, it had been, was being, or was about to be, used for a purpose which under this Act is unlawful, he shall order it to be forfeited.
- (b) If, in the case of a “fishing engine”, the Judge finds that it is one the use of which is prohibited by law, he shall order it to be forfeited and destroyed.
- (c) If, in the case of a “fishing engine”, the Judge finds that it is lawful fishing engine, which at the time of its seizure had been, was being, or was about to be, unlawfully used, he shall order it to be forfeited.
- (d) In any other case, the Judge shall order the boat or fishing engine to be returned to the person who appears to him to be the owner thereof.

The 1959 Act, at Section 3 defines **fishing engine** as meaning “any engine, net or other instrument whatsoever capable of being used for the taking of fish”. This includes rods, gaffs, strokehauls etc.

Powers of Apprehension S299

- (1) In this Section the expression “**authorised person**” includes any person i.e. Private Waterkeeper interested in the Fishery in which the relevant offence is committed.
- (2) If any person (in this Section referred to as the offender) is found using any unlawful fishing engine or unlawfully using any lawful fishing engine or otherwise offending against the provisions of this Act or any Instrument made thereunder, the following provisions shall have effect:
 - (a) any **authorised person** may require the offender to do the following things-
 - (1) desist from such offence and
 - (11) tell his name and address

- (b) If the offender, after being so required will continue such offence or refuses to tell his name and address the **authorised person** and any other persons acting under his directions may apprehend the offender.
- (c) Where the offender is apprehended under this Section by a person who is not a member of the Garda Siochana the **authorised person** shall forthwith deliver him into custody of a member of the Garda to be dealt with according to law.

Section 300 (as amended by the 1980 Act) provides that “where any member of the Garda Siochana or **authorised person** finds-

- (a) during the annual closed season for salmon and trout or the weekly closed time-
 - (1) any passage in any fishing weir, fishing mill dam, fixed engine, net or contrivance closed or obstructed, or
 - (11) any net or other contrivance whatsoever placed or used in contravention of this Act or any Instrument made thereunder, or
- (b) at any time any obstruction in the free gap of a fishing weir or in a fish pass or,
- (c) at any time any obstruction in the waste gate appurtenant to any Mill or Factory, when such waste gate is required by Section 122, to be open he may open such passages and remove such obstruction, doing no unnecessary damage, and seize and remove all things so found or used contrary to the provisions of this Act or any Instrument made thereunder.

Common-sense is essential for the Waterkeeper. The Waterkeeper should hold his own safety paramount, assess the situation prior to taking action.

Whilst the above sets out the powers of the Waterkeeper it is important that the Waterkeeper does not act beyond these powers. **IT IS EXPRESSLY PROHIBITED IN THE ACT FOR A WATERKEEPER TO ENTER A DWELLINGHOUSE OR CURTILAGE (GARDEN) OF A DWELLING HOUSE. WITHOUT A VALID SEARCH WARRANT.**

There is no provision in the Act for a Section 294 Waterkeeper to seize fish.

A Private Waterkeeper may have his warrant revoked on complaint to a District Judge. Acting outside of the powers of your appointment may leave the Waterkeeper liable (financially and otherwise for his action).

The correct caution to be used where you wish to record and use a statement or oral evidence from a possible offender: -

“You are not obliged to say anything unless you wish to do so, but whatever you do say will be taken down in writing and may be given in evidence”.

Example of Club Letter of Support



Dromoy Angling Association (with club crest or logo)

Dromoy Angling Association,
Dromoy, Co. West, Ireland.

Wednesday 24th March 2007

Dear Sir/Madam,

This letter is to confirm to the Western Regional Fisheries Board that Mr. A. Fisherman is a member of the Dromoy Angling Association and to state that the association supports him in his application to become a water keeper on the River Dromoy and Canal in the Dromoy area.

Yours Sincerely

**Mr. Phil Deacon,
Chairman,
Dromoy Angling Association.**

Phone: 086 7655674

Example of Application Letter

Mr.Ms, C.E.O,
E.R.F.B,
15a Main Street,
Blackrock, Co. Dublin.

Dear Sir/Madam,

My Name is and I am a working at the, I am contacting you as I would like to apply to become a section 294 waterkeeper in my home area of I would like to apply to cover the,, in the and vicinity.

I feel I am well suited to becoming a water keeper for several reasons and would like to give a brief rundown of my credentials for this position:

- : I have been angling for years
- : I have studied both marine and freshwater ecology as part of my Bachelor of Science degree
- : I am a member of the Dromoy Angling Association, and have been for 12 years
- : I was Pollution officer with the D.A.A for five years from 1997 to 2002
- : I have a thorough knowledge of fishery law, including all the new bye laws
- : I have reported several cases of illegal netting, long lining, angling and pollution to the ERFB and the gardai in the last few years and would like to expand on this effort by becoming a water keeper
- : I have excellent knowledge of all local waterways, tributaries and pollution sources gained during my years as pollution officer and through angling
- : I have no criminal record and have never been cautioned or come to the attention of gardai for angling related or any other matter

I hope you feel that I am suitable to become a waterkeeper and would be most grateful if you could provide me with a letter or formal application form, if such exists, that I can produce to my local circuit judge in order to become a section 294 waterkeeper and officer of the court. If there is any further information that I can supply, including any references that you may require, please do not hesitate to ask.

Thank you for your time,
Yours sincerely
.....

Mr.....

Address 1

Address 2

Mobile:

Work:

Home:

E Mail:

Waterkeepers can make a real difference and can help to protect and improve our waters. If you care about our natural and aquatic heritage then why not apply to become one and do your bit to stamp out pollution and illegal fishing. Please contact me for more info.

Good Luck

Adam Shannon

adamshannon@hotmail.com

Below is a list of the various fisheries board contact numbers;

Phone Numbers for each of the Regional Fisheries Boards are as follows

(or click or cut and paste this link to the Central Fisheries Board - <http://www.cfb.ie/regions/contact.htm>):

The Eastern Regional Fisheries Board - 01 2787022

The Southern Regional Fisheries Board - 052 23624

The South Western Regional Fisheries Board - 026 41221

The Shannon Regional Fisheries Board - 061 300238

The Western Regional Fisheries Board - 091 563118

The North Western Regional Fisheries Board - 096 22623

The Northern Regional Fisheries Board - 071 9851 435 (Co. Donegal) - 049 4337174 (Co. Cavan)

NRFB mobile numbers: Report Pollution or Poaching

Ballyshannon:

071 9851435

087 2330830

087 0524557

087 2251640

Letterkenny:

074 9551141

086 6055999

086 1725461

Cavan:

049 4337174

087 6504615

087 0505048

087 0505049