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FORM PR2: ENVIRONMENTAL/POLLUTION



Iascach Intíre Éireann
Inland Fisheries Ireland

PROSECUTIONS CHECKLIST

Case File Reference :	SERBD-2022-ENV03-OMcG-AIDAN HYNES
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*Case File Reference : RBD-Year-RBD own Seq.# -Officer's Initials -Full Name of Defendant:
E.g. ERBD-2013-01-PG-John Doe. A case file for each alleged defendant should be created using this naming convention.*

SECTION A: CHECKLIST				
1.	Incident Report compiled: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
2.	Date of alleged offence:	Friday, 30 September 2022		
3.	Name of officer In charge:	Oliver McGrath		
4.	Other staff present:	Officer's Name	Grade	
		Date Present		
		Declan Cullagh	AFI	30/09/2022
		Greg Roche	FO	30/09/2022
		Click here to enter text.	Click here to enter text.	Click here to enter a date.
		Click here to enter text.	Click here to enter text.	Click here to enter a date.
5.	Please select source of Environmental/Pollution incident: Industrial <input type="checkbox"/> Agricultural <input checked="" type="checkbox"/> Local Authority <input type="checkbox"/> Civil Eng <input checked="" type="checkbox"/> Other <input type="checkbox"/> If other, please state: <i>Removal of gravels/works in SAC</i>			
6.	Was the alleged offender/organisational representative cautioned? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
7.	Who cautioned the alleged offender? Oliver McGrath Who witnessed the caution being given? <i>Declan Cullagh/Greg Roche</i>			
8.	Was the Local Authority/EPA notified?		LA <input type="checkbox"/> EPA <input type="checkbox"/>	
	Was the Local Authority/EPA involved in the investigation of the alleged incident?		LA <input type="checkbox"/> EPA <input type="checkbox"/>	
	If habitat damage has occurred in a SAC/SPA, was the NPWS notified:		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
9.	Was there a Fish Kill? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please refer to FORM PR10 FISH KILL : Insert Fish Kill Ref No: N/A			

Identification

10. State if person questioned is personally known to you: *No*
11. If "No", state if the person gave the address of the lands/premises/facility at which the alleged offence occurred, and the organisational name/company secretary's name, and in the case of a registered company, the name of the company and its registered address: [REDACTED]
12. A. Was this verified as correct? *Click here to enter text.*
B. Please state the means of verification : *Click here to enter text.*

Please state name and address and date of birth (if applicable) of alleged offender(s).

<i>Aidan Hynes</i>
[REDACTED]
[REDACTED]
[REDACTED]
<i>Click here to enter text.</i>
<i>Click here to enter text.</i>
<i>Click here to enter text.</i>
Date of Birth: <i>Click here to enter a date.</i>

Type of Offence

13. If there is damage to habitat, please select relevant type:
- Instream Works Damage/Interference with Riparian Zone
- Removal of Instream Materials for use elsewhere Other
- Other **If other, please state: *Click here to enter text.***
14. If there is pollution of water, please select relevant type:
- Industrial Agricultural Local Authority Civil Engineering
- Other
- If Other, please state: *Click here to enter text.***

Samples

- 15A. Were Effluent/Discharge Samples collected, please tick appropriate one? Yes No
- Were Receiving Water Samples collected, please tick appropriate one? Yes No
- Were Fish Samples collected, please tick appropriate one? Yes No

Samples of Effluent/Discharge: Replicate

- 15B. Was a replicate sample of the offending discharge(s) offered to the alleged offender: Yes No
- 15C. Was the replicate sample accepted? Yes No

16. Were samples sent to the laboratory? *Click here to enter text.*

Name of Laboratory	<i>Click here to enter text.</i>
Name/Title of Recipient	<i>Click here to enter text.</i>
Date/Time of Delivery	<i>Click here to enter text.</i>

- Copy of receipt on file? Yes No
- Analysis results on file? Yes No



Statements

17.  Are original signed and dated reports/statements from all relevant IFI personnel on file? **FORM PR4**
Yes No


18. Was the alleged offender invited to make a statement? Yes No
- Was a **formal witnessed caution** issued to the alleged offender before the taking of a Statement? Yes No
- Did the alleged offender make a statement? Yes No
- If yes, was the alleged offender offered the opportunity to sign the statement? Yes No
- Statement with signature of alleged offender included in Officers Report : Yes No

19.	Short description of the offence: <i>Removal of approxmatly 100 tons of gravel from river and armoring bend in river without prior consent.</i>
20.	Please state relevant section of legislation for offences listed (if known): Section 131 & 173(Subsection C & D) of the Fisheries (Consolidation) Act 1959

Location Details




21.	Please provide exact location in River Basin District: SERBD		
	Name of Townland: Caher	County Name :	Laois
	Waters: Delour River, trib River Nore	Irish Grid Ref:	
	Full Postal Address: Caher, Mountrath, Co. Laois.		
	 Map detailing location where samples were taken along with grid references, should be included in the case file. Please note the map should be marked by the FEO/IFI Officer who collected the samples. (FORM PR 6-MAP)		 Please attach photos of all relevant locations to the case file

SECTION B: APPROVALS PROCESS

22A	Officer in Charge recommendation: Prosecute <input checked="" type="checkbox"/> Do not prosecute <input type="checkbox"/>	Name of Officer in charge: Oliver McGrath
22B	Director's recommendation to Head of Operations: Prosecute <input checked="" type="checkbox"/> Do not prosecute <input type="checkbox"/>	Name of RBD Director: Lynda Connor 15/11/22
22C	Decision of Head of Operations : Prosecute <input checked="" type="checkbox"/> Do not prosecute <input type="checkbox"/>	Name of Head of Operations: Barry Fox  23/11/22

SECTION C: LEGAL DETAILS

23A	Name of solicitor acting on behalf of IFI? James Reilly and Sons Solicitors
23B	Estimated cost of prosecution: [REDACTED]
23C	Please state District Court where case will be heard: Click here to enter text.
23D	Date forwarded to solicitor? Click here to enter text.
23E	Copy of summons attached to case file: Yes <input type="checkbox"/> No <input type="checkbox"/>

24.	Has the alleged offender any previous conviction/s in respect of discharge to waters? Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Date of Conviction/s:	Click here to enter text.	
	Details of Conviction/s;	Click here to enter text.	
	Fines Imposed?	Click here to enter text.	
	Fines Paid?	Click here to enter text.	
 Attach list of previous fisheries convictions if applicable? Please see FORM PR8			
Court Hearing			
25.	Date of court hearing? Click here to enter a date.	Was a plea entered by defendant? Yes <input type="checkbox"/> No <input type="checkbox"/>	
26.	What was the outcome of court case? Click here to enter text.		
27.	Please tick where appropriate: Conviction: Yes <input type="checkbox"/> No <input type="checkbox"/> Please provide brief details: Click here to enter text.		
28.	Penalty imposed? Please tick relevant one:	Yes <input type="checkbox"/> No <input type="checkbox"/>	€ Click here to enter text.
29.	Probation Act? Please tick relevant one:	Yes <input type="checkbox"/> No <input type="checkbox"/>	
30.	Costs awarded to IFI?	Yes <input type="checkbox"/> No <input type="checkbox"/>	€ Click here to enter text.
	Costs awarded against IFI?	Yes <input type="checkbox"/> No <input type="checkbox"/>	€ Click here to enter text.
31.	Expenses awarded to IFI?	Yes <input type="checkbox"/> No <input type="checkbox"/>	€ Click here to enter text.
	Expenses awarded against IFI?	Yes <input type="checkbox"/> No <input type="checkbox"/>	€ Click here to enter text.
 Report from IFI Solicitor received (FORM PR9): Yes <input type="checkbox"/> No <input type="checkbox"/>			
 Copy of receipt of Payment of Fines/Costs and Expenses on file: Yes <input type="checkbox"/> No <input type="checkbox"/>			
Appeal Court Hearing			
32.	Appeal by IFI: Yes <input type="checkbox"/> No <input type="checkbox"/>		Appeal by Defendant: Yes <input type="checkbox"/> No <input type="checkbox"/>
	Date of Appeal Court Hearing: Click here to enter a date.		

33.	Was a plea entered by Defendant? Yes <input type="checkbox"/> No <input type="checkbox"/>	
34.	What was the outcome of Appeal Court Case? Please tick where appropriate: Conviction : Yes <input type="checkbox"/> No <input type="checkbox"/> Please provide brief details: <i>Click here to enter text.</i>	
35.	Penalty imposed? <i>Click here to enter text.</i>	36. Probation Act? <i>Click here to enter text.</i>
37.	Costs awarded to IFI? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Please tick relevant one	€ <i>Click here to enter text.</i>
	Costs awarded against IFI? Yes <input type="checkbox"/> No <input type="checkbox"/>	€ <i>Click here to enter text.</i>
38.	Expenses awarded to IFI? Yes <input type="checkbox"/> No <input type="checkbox"/>	€ <i>Click here to enter text.</i>
39.	Expenses awarded against IFI? Yes <input type="checkbox"/> No <input type="checkbox"/>	€ <i>Click here to enter text.</i>
40.	Copy of receipt for payment of fines/costs and expenses attached to file: Yes <input type="checkbox"/> No <input type="checkbox"/>	
41.	SOFTCOPY: CASE FILE ENTERED ON DATABASE : Yes <input type="checkbox"/> No <input type="checkbox"/>	