

**DEPARTMENT OF COMMUNICATION, MARINE AND NATURAL
RESOURCES
FISHERIES ACTS, 1959 TO 2001**

SALMON AND TROUT CONSERVATION BYE-LAW NO. 798, 2005.

I, Pat the Cope Gallagher, Minister of State at the Department of Communications, Marine and Natural Resources in exercise of the powers conferred on me by section 9 (as amended by section 3 of the Fisheries (Amendment) Act 1962 (No. 31 of 1962)) of the Fisheries (Consolidation) Act 1959 (No. 14 of 1959), section 33 of the Fisheries (Amendment) Act 1962, the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1977 (S.I. No. 30 of 1977) (as adapted by the Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 307 of 2002)) and the Marine (Delegation of Ministerial Functions) (No. 2) Order 2004 (S.I. No. 703 of 2004), hereby make the following Bye-law:

1. (1) This Bye-law may be cited as the Salmon and Trout Conservation Bye-law No. 798, 2005.

(2) This Bye-law shall come into operation on 19 April, 2005.

2. (1) In this Bye-law -

“draft net” means a single wall of netting attached to a floating head rope and a weighted ground rope, designed so that a bag is formed into which the catch is drafted or hauled, for the purpose of taking or fishing for, or attempting to take or to fish for, salmon or trout;

“drift net” means a single sheet of netting attached to a floating head rope and a weighted ground rope, designed to drift freely at the surface of waters for the purpose of taking or fishing for, or attempting to take or to fish for, salmon or trout, to which net or ropes no weights or anchoring devices are attached which in any way hinder or prevent the free movement of the net in those waters;

“Eastern Fisheries Region” means the area mentioned at paragraphs (a), (b), (c), (d), (e), (f) and (g) of column 4 opposite reference number 1 in column 1 of the First Schedule to the Fisheries Regions Order, 1980 (S.I. No. 324 of 1980) (as amended by the Fishery Regions (Alteration of Boundaries) Order, 1994, (S.I. No. 208 of 1994) and the Eastern Fisheries Region (Alteration of Boundaries) Order, 1999 (S.I. No. 379 of 1999));

“monofilament” means a single filament of synthetic material having a diameter equal to or greater than 0.1 millimetres and which is strong enough to function alone as a yarn for the construction of nets without having to undergo any further processing;

“multistrand monofilament” means filaments of synthetic material, comprised of two or more monofilaments twisted together, where any single filament has a diameter equal to or greater than 0.1 millimetres;

“No. 1 or Dublin District” means the area mentioned at paragraphs (a) and (b) of column 4 opposite reference number 1 in column 1 of the Second Schedule to the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) (as amended by paragraphs (a), (b) and (c) of column 3 opposite reference number 1 in column 1 of the Schedule of the Fisheries Districts (Alteration of Boundaries) Regulations, 1982 (S.I. No. 329 of 1982));

“other engine” means any fishing engine not being a drift net, a draft net, a snap net or a rod and line, capable of being used for the purpose of taking or fishing for, or attempting to take or to fish for, salmon or trout;

“sea trout” means the migratory form of *Salmo trutta*;

“snap net” means a single wall of netting attached to a floating head rope and a weighted ground rope, designed to suspend between two boats and into which the catch is drawn, for the purpose of taking or fishing for, or attempting to take or to fish for, salmon or trout;

“the tidal waters” means -

- (a) all the waters of the River Shannon upstream of the mouth of that river as defined and marked out on 8 February 1864 by the Special Commissioners for Irish Fisheries appointed and acting under the Salmon Fishery (Ireland) Act, 1863, to the weir or dam known as the Corbally Mill Weir,
- (b) all the waters of the River Liffey upstream of the common estuary of the Rivers Dodder and Liffey as defined and marked out on 3 March 1865 by the Special Commissioners for Irish Fisheries appointed and acting under the Salmon Fishery (Ireland) Act, 1863, to the weir on the River Liffey known as the Island Bridge Weir;

“the Waterford estuary” means all the waters of the Rivers Suir, Nore and Barrow upstream of the common mouth of those rivers as defined and marked out on 8 February 1864 by the Special Commissioners for Irish Fisheries appointed and acting under the Salmon Fishery (Ireland) Act, 1863 -

- (a) to the line drawn across the River Suir at and opposite to the most upstream part of the Coolnamuck weir,
- (b) to Innistiogue Bridge on the River Nore,
- (c) to the lowest weir or dam used for navigation purposes on the River Barrow near St Mullin's in Co. Carlow.

- (2) In this Bye-law a reference to a paragraph is to the paragraph of the Bye-law in which the reference occurs, unless it is indicated that reference to some other Bye-law is intended.
3. (1) Subject to paragraph (2) and notwithstanding anything contained in any Bye-law varying the weekly close time, it is hereby prohibited in any fishery district-
- (a) to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net, or to aid or assist in such taking, fishing, or attempting, during the period commencing at 6 o'clock a.m. on any Friday and ending at 6 o'clock a.m. on the next following Saturday, and
 - (b) to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net, or to aid or assist in such taking, fishing, or attempting, between -
 - (i) 9 o'clock p.m. on any Monday, Tuesday or Wednesday, and 4 o'clock a.m. on the next following Tuesday, Wednesday or Thursday, respectively, and
 - (ii) 9 o'clock p.m. on any Thursday and 6 o'clock a.m. on the next following Friday.
- (2) Paragraph (1)(b), in so far as it applies to taking or fishing for, or attempting to take or to fish for, salmon or trout with a drift net, or aiding or assisting in such taking, fishing or attempting, shall not apply in -
- (a) the tidal waters, or
 - (b) that part of the No. 1 or Dublin District outside the tidal waters on or after 30 June 2005.
- (3) It is hereby prohibited, in that part of the No. 1. or Dublin District outside of the tidal waters, to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net, or to aid or assist in such taking, fishing or attempting between 6 o'clock a.m. and 9 o'clock p.m. on any Monday, Tuesday, Wednesday or Thursday on or after 30 June 2005.
4. (1) Subject to paragraph (2) and notwithstanding anything contained in any Bye-law varying the weekly close time, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a draft net, snap net or other engine, or to aid or assist in such taking, fishing, or attempting, in any fishery district during the period

commencing at 6 o'clock a.m. on any Monday and ending at 6 o'clock a.m. on the next following Tuesday.

- (2) Paragraph (1) in so far as it applies to taking or fishing for, or attempting to take or to fish for, salmon or trout with a snap net, or aiding or assisting in such taking, fishing, or attempting, shall not apply in the Waterford estuary during the period commencing on 12 June 2005 and ending on 14 August 2005.
5.
 - (1) Subject to paragraphs (2), (3) and (4) and notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in any locality, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net, or to aid or assist in such taking, fishing, or attempting, in any fishery district, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 31 May 2005.
 - (2) Paragraph (1) of this bye-law shall not apply to any locality where the annual close season for salmon and trout ends on or after 31 May 2005.
 - (3) Paragraph (1), in so far as it applies to taking or fishing for, or attempting to take or to fish for, salmon or trout with a drift net, or aiding or assisting in such taking, fishing, or attempting, shall not apply in the tidal waters.
 - (4) Paragraph (1), in so far as it applies to taking or fishing for, or attempting to take or to fish for, sea trout with a drift net, or aiding or assisting in such taking, fishing, or attempting, shall not apply in that part of the No. 1 or Dublin District outside of the tidal waters.
6. Notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in the tidal waters, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net in the tidal waters, or to aid or assist in such taking, fishing, or attempting in the tidal waters, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 11 May 2005.
7. Notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in that part of the No. 1 or Dublin District which is outside of the tidal waters, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, sea trout with a drift net in the said part of the No. 1 or Dublin District, or to aid or assist in such taking, fishing, or attempting in the said part of the No. 1 or Dublin District, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 25 April 2005.

8. (1) Subject to paragraphs (2) and (3) and notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in any locality, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a draft net, snap net or other engine, or to aid or assist in such taking, fishing or attempting in any fishery district, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 11 May 2005.
- (2) Paragraph (1) shall not apply to any locality where the annual close season for salmon and trout ends on or after 11 May 2005.
- (3) Paragraph (1) in so far as it applies to taking or fishing for, or attempting to take or to fish for, sea trout with a draft net, or aiding or assisting in such taking, fishing, or attempting, shall not apply in that part of the No.1 or Dublin District which is outside of the tidal waters.
9. (1) Notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in that part of the No. 1 or Dublin District which is outside of the tidal waters, it is hereby prohibited, to take or to fish for, or to attempt to take or to fish for, sea trout with a draft net in the said part of the No.1 or Dublin District, or to aid or assist in such taking, fishing, or attempting in the said part of the No. 1 or Dublin District, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 25 April 2005.
10. Notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in any locality, it is hereby prohibited in any fishery district, to take or to fish for, or to attempt to take or to fish for, salmon or trout, or to aid or assist in such taking, fishing or attempting -
- (a) in the case of drift nets other than drift nets in the tidal waters or drift nets in the No.1 or Dublin District outside the tidal waters, during the period commencing on 1 August 2005 and ending on 31 May 2006,
- (b) in the case of drift nets in the tidal waters, draft nets or other engines (other than draft nets or other engines in the Eastern Fisheries Region), during the period commencing on 1 August 2005 and ending on 11 May 2006,
- (c) in the case of drift nets for the taking of the *salmo salar* species of salmon in that part of the No. 1 or Dublin District which is outside of the tidal waters, during the period commencing on 24 July 2005 and ending on 31 May 2006,

(d) in the case of drift nets for the taking of sea trout in that part of the No. 1 or Dublin District which is outside of the tidal waters, during the period commencing on 24 July 2005 and ending on 25 April 2006,

(e) in the case of draft nets or other engines in the Eastern Fisheries Region, during the period commencing on 13 August 2005 and ending on 11 May 2006,

(f) in the case of draft nets for sea trout in that part of the No. 1 or Dublin District which is outside of the tidal waters, during the period commencing on 13 August 2005 and ending on 25 April 2006, and

(g) in the case of snap nets, during the period commencing on 15 August 2005 and ending on 11 May 2006.

11. It is hereby prohibited -

(a) to have on board any boat, or

(b) to have in or on any vehicle, or otherwise,

with the intention of taking or fishing for, or attempting to take or to fish for, salmon or trout, a drift net, draft net, snap net or other engine, in any fishery district, during the periods relevant to those nets or such engines specified in articles 5,6,7,8,9 and 10 of this Bye-law.

12. (1) Notwithstanding anything contained in any Bye-law regulating the net to be used in fishing for salmon or trout, it is hereby prohibited to use, or to attempt to use, in fishing for salmon or trout in any fishery district -

(a) a drift net in the tidal waters,

(b) a drift net in that part of the No. 1. or Dublin District outside the tidal waters on or after 30 June 2005, or

(c) a draft net, snap net or other engine,

made wholly or partly of monofilament or multistrand monofilament.

(2) It is hereby prohibited to have on board any boat, or to have in possession, for the capture of salmon or trout, on any quay on or adjacent to, or on or near any bank of, any waters in any fishery district, a draft net, snap net or other engine, mounted or otherwise prepared for use in fishing for salmon or trout, made wholly or partly of monofilament or multistrand monofilament.

- (3) It is hereby prohibited to have on board any boat, or to have in possession, for the capture of salmon or trout, on any quay on or adjacent to, or on or near any bank -

(a) of the tidal waters, or

(b) in that part of the No. 1 or Dublin District outside the tidal waters on or after 30 June 2005,

a drift net, mounted or otherwise prepared for use in fishing for salmon or trout, made wholly or partly of monofilament or multistrand monofilament.

13. Where in any proceedings for an offence consisting of a contravention of Article 12 (1) of this Bye-law, it is proved that the defendant was found using, or attempting to use, in fishing -

(a) a drift net in the tidal waters,

(b) a drift net in that part of the No. 1 or Dublin District outside the tidal waters on or after 30 June 2005, or

(c) a draft net, snap net or other engine,

made wholly or partly of monofilament or multistrand monofilament, and a sea fisheries protection officer, authorised officer or authorised person states in evidence that he or she had reasonable grounds for believing that the said fishing was for salmon or trout, it shall be presumed until the contrary is proven, that the said fishing was for salmon or trout, as the case may be.

14. The Salmon and Trout Conservation Bye-law No. 794, 2004 is hereby revoked.

GIVEN under my hand,
19 April, 2005.



Pádraig Cope Gallagher
Minister of State at the Department of Communications,
Marine and Natural Resources

EXPLANATORY NOTE

(This Note is not part of the Bye-law and does not purport to be a legal interpretation).

This Bye-law prescribes the opening and closing dates and the weekly close times etc. for commercial salmon and trout fishing.

The effect of this Bye-law on the individual fisheries is as follows:-

DRIFT NET FISHING

- The **opening date** (with the exception of the Shannon and Liffey tidal waters and sea trout fishing in the Dublin District outside the Liffey tidal waters) will be 1 June, 2005.
- The opening date in the Shannon and Liffey tidal waters will be 12 May, 2005 and sea trout fishing in the Dublin District outside the Liffey tidal waters will be 26 April, 2005.
- The **closing date** will be 31 July, 2005 with the exception of drift netting in the Dublin District outside the Liffey tidal waters where the closing date will be 24 July, 2005.
Fishing is not allowed between 6 a.m. on any Friday and 6 a.m. on the next following Monday.
- Fishing is prohibited each night between the hours of 9 p.m. and 4 a.m. the following morning on Monday, Tuesday and Wednesday nights and from 9 p.m. on Thursday night until 6 a.m. the next following Friday morning with the following exceptions: -
 - (a) fishing in the Shannon and Liffey tidal waters where fishing is allowed on a 24 hour day basis,
 - (b) fishing in that part of the Dublin District outside the tidal waters on or after 30 June, 2005 where **fishing is prohibited during day light hours** and may only take place at night between 9 p.m. and 4 a.m. the following morning on Monday, Tuesday and Wednesday nights and from 9 p.m. on Thursday night until 6 a.m. the next following Friday morning.

CLOSE SEASON

- The close season (with the exception of the Shannon and Liffey tidal waters, that part of the Dublin District outside the tidal waters) will be from 1 August, 2005 to 31 May, 2006.
- In the Shannon and Liffey tidal waters 1 August, 2005 to 11 May, 2006
- In that part of the Dublin District outside the Liffey tidal waters 24 July, 2005 to 25 April, 2006 in the case of sea trout fishing and from 24 July, 2005 to 31 May, 2006 in the case of the salmon species (*Salmo salar*)

DRAFT NET AND OTHER ENGINE FISHING

- The **opening date** will be **12 May, 2005** where the opening date would previously have been on or before 12 May (with the exception of draft netting for sea trout in the No. 1 or Dublin District outside of the tidal waters of the Liffey where the opening date will be 26 April, 2005).
- The **closing date** will be **31 July, 2005** except those districts within the Eastern Fisheries Region where the closing date will be **12 August, 2005**.
- Fishing is not allowed during the period commencing at 6 a.m. on any Saturday and ending at 6 a.m. on the next following Tuesday.
- Fishing is allowed on a 24 hour day basis during the open season outside the weekly close time.
- The **close season** will commence on **1 August, 2005**, and end on **11 May, 2006** (with the exception of those districts within the Eastern Fisheries Region where the closed season will commence on 13 August, 2005 and sea trout fishing in the Dublin District outside the Liffey tidal waters where the close season will end on 25 April, 2006)

SNAP NET FISHING

- **Opening date:** 12 May, 2005.
- **Closing date:** 14 August, 2005.

Fishing is **not** allowed between 6 a.m. on any Saturday and 6 a.m. on the next following Tuesday with the exception of the Waterford Estuary where fishing is allowed five days a week (Monday – Friday) from 12 June.

The close season will commence on **15 August, 2005** and end on **11 May 2006**,

GENERAL FOR ALL NETS AND ENGINES

The use of monofilament or multistrand monofilament material is not permitted in (a) drift nets in the tidal waters, (b) drift nets in the Dublin District outside the Liffey tidal waters on or after 30 June, 2005, (c) draft nets, snap nets or other engines.

The possession of any net or other engine for the purpose of fishing for salmon or trout is prohibited during the annual close season.

FOOTNOTE

Section 11 of the Fisheries (Consolidation) Act, 1959 as amended by Section 27 (b) of the Fisheries (Amendment) Act, 1999 provides that any person aggrieved by this Bye-law may within 28 days after its publication in the *Iris Oifigiúil*, appeal against same to the High Court.