

**DEPARTMENT OF COMMUNICATIONS, MARINE AND NATURAL
RESOURCES**

FISHERIES ACTS, 1959 TO 2003

CONSERVATION OF SALMON AND SEA TROUT

BYE-LAW NO. 797, 2004.

I, John Browne, 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 Communications, Marine and Natural Resources (Delegation of Ministerial Functions) Order 2002 (S.I. No. 374 of 2002), hereby make the following bye-law:

1. (1) This Bye-law may be cited as the Conservation of Salmon and Sea Trout Bye-Law No. 797, 2004.

(2) This Bye-law comes into operation on the day of its making.

2. In this Bye-law -

“salmon” means a fish of the species *Salmo salar* (Atlantic salmon);

“sea trout” means a fish of the migratory form of *Salmo trutta*, other than a sea trout which is 40 centimetres or less in length measured in a straight line from the tip of the snout to the fork of the tail.

3. Notwithstanding anything contained in any bye-law prohibiting the taking or having possession of more than a specified number of salmon or sea trout, a person shall not take by rod and line more than 20 fish (being either salmon or sea trout or any combination of both fish) in any year.

4. Subject to Article 3 of this Bye-law, a person shall not take by rod and line on any day in any year -

(a) more than one fish, being either a salmon or sea trout, during the period from 1 January to 31 May, and

- (b) more than 3 fish, being either salmon or sea trout or a combination of both, during the remainder of the year.

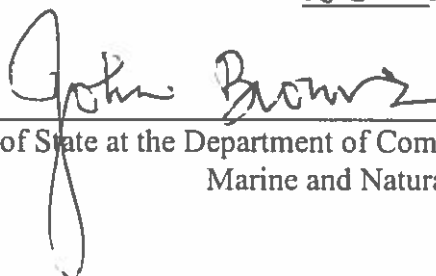
5. Notwithstanding Article 4(b) of this Bye-law, a person shall not take by rod and line on any day more than one fish being either a salmon or sea trout during the period from 1 September 2004 until 31 December 2004.

6. Any salmon or sea trout taken inadvertently in contravention of this Bye-law shall be handled carefully and returned without avoidable injury to the waters immediately upon being taken.

7. This Bye-law does not affect the operation of any other bye-law which prohibits the taking, or having in possession of, salmon or sea trout.

8. The Conservation of Salmon and Sea Trout Bye-law No. 786, 2002 is revoked.

GIVEN under my hand,
25 August 2004.



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 provides for a bag limit of 1 fish being either a salmon or sea trout per angler per day from 1 September 2004 to 31 December 2004 and continues the imposition of a bag limit of 1 fish per angler per day from 1 January to 31 May, and 3 fish from 1 June to the end of the fishing season, subject to a total allowable catch of 20 fish per year.

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.