

DEPARTMENT OF THE MARINE AND NATURAL RESOURCES

FISHERIES ACTS, 1959 TO 2000

CONSERVATION OF SEA TROUT BYE-LAW NO. 775, 2001.

I, Frank Fahey, Minister for the 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), section 50 of the Fisheries Act, 1980 (No. 1 of 1980)), of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), section 33 of the Fisheries (Amendment) Act, 1962, and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977) (as adapted by the Marine (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 301 of 1997)), hereby make the following Bye-law:

1. This Bye-law may be cited as the Conservation of Sea Trout Bye-law No. 775,2001.
2. This Bye-law shall come into operation on 28 February 2001 and shall cease to have effect on 1 May 2002.
3. In this Bye-law "sea trout" means the migratory form of *salmo trutta L.*
4. This Bye-law applies to the following fishery districts -
 - (a) the No. 9¹ or Galway District,
 - (b) the No. 9² or Connemara District,
 - (c) the No. 10¹ or Ballinakill District, and
 - (d) that part of the sea within the No. 10² or Bangor District south of a line drawn due east and west through the most westerly point of Achill Head situated in the townland of Keel West, Achill Island in the county of Mayo and all waters discharging into the sea area so defined.
5. It is hereby prohibited for any person to take any sea trout by means of any fishing engine or rod and line in a fishery district to which this Bye-law applies unless such sea trout is handled carefully and immediately returned alive to the water from which it is taken.

6. It is hereby prohibited for any person to have in his or her possession or control within the fishery districts to which this Bye-law applies any dead sea trout taken therein.

7. In a prosecution for an offence under section 9(4) (inserted by section 3 of the Fisheries (Amendment) Act, 1962) of the Fisheries (Consolidation) Act, 1959, alleging a contravention of article 6 of this Bye-law it shall be a defence for the defendant to show that he or she was unaware that the sea trout to which the prosecution relates was taken within a fishery district to which this Bye-law applies.

Given under my Official Seal

28 . February 2001



Frank Fitz

Minister for the 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 prohibits the retention and possession of sea trout taken in the fishery districts specified in the Bye-law until 1 May, 2002.

FOOTNOTE

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