

DEPARTMENT OF THE MARINE AND NATURAL
RESOURCES FISHERIES ACTS, 1959 TO 1999.

SALMON AND TROUT CONSERVATION
(AMENDMENT) BYE-LAW No. 773, 2000.

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), and section 50 of the Fisheries Act, 1980 (No. 1 of 1980)), of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), and 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. (1) This Bye-law may be cited as the Salmon and Trout Conservation (Amendment) Bye-law No. 773, 2000.

(2) This Bye-law shall come into operation on 30 June, 2000.

2. In this Bye-law "Bye-law 766, 2000" means the Salmon and Trout Conservation Bye-law No. 766, 2000.

3. Bye-law No. 766, 2000 is amended—

(a) by the insertion after the definition of "snap net" of the following:

"'the Shannon tidal waters' means 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;" and

(b) by the substitution for Article 4 of the following:

"4. It is hereby prohibited to take or to fish for, or to attempt to take or fish for, salmon or trout with a drift net or to aid in such, in any fishery district—

(a) between 6 o'clock a.m. on any Friday and 6 o'clock a.m. on the next following Saturday, or

(b) other than the No. 1 or Dublin District, or the Shannon tidal waters between—

(i) 9 o'clock p.m. on any Monday, Tuesday or Wednesday and 4 o'clock a.m. on the next following day, or

(ii) 9 o'clock p.m. on any Thursday and 6 o'clock a.m. on the next following Friday."

4. 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, between 6 o'clock a.m. and 9 o'clock p.m. on any Monday, Tuesday, Wednesday or Thursday.

5. Notwithstanding anything contained in any Bye-law No. 766, 2000, fixing the annual close season for salmon and trout in any locality the annual close season for the taking of salmon, sea trout and trout with a drift net in that part of the No. 1 or Dublin District which is outside of the tidal waters, shall commence in the year 2000 on 24 July.

6. (1) Notwithstanding anything contained in Bye-law made under section 9 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), 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 that part of the No. 1 or Dublin District, outside of the tidal waters a drift net 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 the waters, in the No. 1 or Dublin District, a drift net mounted or otherwise prepared for use in fishing for salmon or trout, made wholly or partly of monofilament or multistrand monofilament.

L.S.

GIVEN under my Official Seal, 29th June, 2000.

FRANK FAHEY,
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 amends the Salmon and Trout Conservation Bye-law No. 766, 2000. Fishing for salmon and sea trout is permitted in that part of the No. 1 or Dublin District outside the tidal waters during the hours of darkness. Fishing is not permitted during daylight hours. The close season is also brought forward from 31 July to 24 July.

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.

[4]