

ÓGLAIGH NA hÉIREANN BUAN ÓGLAIGH

Scor:

Scoir na hoifigiúil thíoslaite ó na dátaí a thaispeántar.

Uimhir, céim agus ainm an oifige: An dáta ónar scoir é:

0.8052 An Leifteanant-Chormail Adrian Ó Maoldomhnaigh (Lieutenant-Colonel Adrian Joseph Mullooney)	09ú Aibreán, 2000.
0.8330 An Ceannfort Máirtín Ó Flannagáin (Commandant Martin Flanagan)	04ú Eanáir, 2000.
0.8811 An Ceannfort Proinsias Ó Laoire (Commandant Thomas Francis O'Leary)	10ú Eanáir, 2000.
0.8868 An Ceannfort Peadar Ó Murchú (Commandant Peter Murphy)	10ú Eanáir, 2000.
0.9046 An Leifteanant-Cheannasaí Breandán Ó hAilríain (Lieutenant-Commander Brendan Anthony O'Halloran)	21ú Feabhra, 2000.
0.9191 An Leifteanant-Cheannasaí Adrian Ó Sídá (Lieutenant-Commander Adrian Sheedy)	10ú Márta, 2000.
0.8597 An Ceannfort Ian Mac Fhualáin (Commandant Ian Fergus Folan)	03ú Aibreán, 2000.
0.8615 An Ceannfort Aodh Ó Cháimháil (Commandant Hugo Kieran Bonar)	03ú Aibreán, 2000.
0.8323 An Ceannfort Tomás Ó Creatháin (Commandant Thomas Creaton)	07ú Aibreán, 2000.
0.9502 An Captaen Stiofáin Ó Murchú (Captain Stephen Thomas Murphy)	04ú Eanáir, 2000.
0.9596 An Captaen Eoin Ó Suaine (Captain Owen Thomas Swaine)	31ú Eanáir, 2000.
0.9087 An Captaen Liam Ó Conaill (Captain William Eugene O'Connell)	10ú Feabhra, 2000.
0.9538 An Captaen Niall Mac Domhnaill (Captain Niall Peter McDonnell)	14ú Feabhra, 2000.
0.9551 An Captaen Pól Ó Máláin (Captain Paul Denis Madden)	14ú Feabhra, 2000.
0.9616 An Captaen Eoin Mac An Ghaill (Captain Eoin Daniel Stapleton)	01ú Márta, 2000.
0.9514 An Captaen Caoimhín Ó hAnluain (Captain Kevin Gerard O'Hanlon)	02ú Márta, 2000.
0.9473 An Captaen Barra Ó Riain (Captain Barry Paul Ryan)	03ú Aibreán, 2000.
0.9928 An Leifteanant Aisling Ní Chundáin (Lieutenant Aisling Mary Cunnane)	14ú Eanáir, 2000.
0.9839 An Leifteanant Dáithí Ó Caoimh (Lieutenant David Francis O'Keefe)	07ú Feabhra, 2000.

DAVID J. O'CALLAGHAN,
Ard Rúnaí,
An Roinn Cosanta.
Baile Átha Cliath,
19ú Aibreán, 2000.

DEPARTMENT OF THE MARINE AND NATURAL RESOURCES

FISHERIES ACTS, 1959 TO 1999

SALMON AND TROUT CONSERVATION BYE-LAW NO. 766, 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 Bye-law No. 766, 2000.

(2) This Bye-law shall come into operation on the 26th of April, 2000.

2. The following Bye-laws are revoked:

(a) the Close Season for Netting of Sea Trout in the Dublin District Bye-law No. C.S. 252 of 1997, and

(b) the Salmon and Trout Conservation Bye-law No. 755, 1999.

3. (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* L. and includes all forms of trout caught in the sea;

"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 Innistigue 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 the reference to some other Bye-law is intended.

4. (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 the tidal waters.

5. (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 drift 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 2000, and ending on 14 August 2000.

6. (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 2000.

(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 the 31 May 2000.

(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.

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, 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 2000.

8. 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 2000.

9. (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 drift net, snap net or other engine, for, salmon or trout 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 2000.

(2) Paragraph (1) shall not apply to any locality where the annual close season for salmon and trout ends on or after 11 May 2000.

(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 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 which is outside of the tidal waters.

10. 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 date immediately following the end of the annual close season for salmon and trout and ending on 25 April 2000.

11. 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 for the taking of sea trout in the No. 1 or Dublin District outside the tidal waters), during the period commencing on 1 August 2000 and ending on 31 May 2001,

(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 2000 and ending on 11 May 2001,

(c) in the case of drift 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 1 August 2000 and ending on 25 April 2001,

(d) in the case of draft nets or other engines in the Eastern Fisheries Region, during the period commencing on 13 August 2000 and ending on 11 May 2001,

(e) 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 2000 and ending on 25 April 2001, and

(f) in the case of snap nets, during the period commencing on 15 August 2000 and ending on 11 May 2001.

12. 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 bye-laws 6, 7, 8, 9, 10 and 11 of this Bye-law.

13. (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, or

(b) 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 or on 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 or on adjacent to, or on or near any bank of, the tidal waters, a drift net, mounted or otherwise prepared for use in fishing for salmon or trout, made wholly or partly of monofilament or multistrand monofilament.

14. Where in any proceedings for an offence consisting of contravention of bye-law 13(1) of this Bye-law, it is proved that the defendant was found using, or attempting to use, in fishing a drift net in the tidal waters, a draft net, snap net or other engine in any fishery district, 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.

L.S.

GIVEN under my Official Seal this 25 April, 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 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 Shannon and Liffey tidal waters and sea trout fishing in the Dublin District outside the Liffey tidal waters) will be 1 June 2000.

• The opening date in the Shannon and Liffey tidal waters will be 12 May 2000 and sea trout fishing in the Dublin District outside the Liffey tidal waters will be 26 April 2000.

• The closing date will be 31 July 2000.

• Fishing is not allowed between 6.00 a.m. on any Friday and 6.00 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 exception of fishing in the Shannon and Liffey tidal waters where fishing is allowed on a 24-hour day basis.

• The close season will commence on 1 August 2000, and end on 25 April 2001 in the case of sea trout fishing in the Dublin District outside the tidal waters, 11 May 2001 in the Shannon and Liffey tidal waters and 31 May 2001 in all other localities.

DRAFT NET AND OTHER ENGINE FISHING

• The opening date will be 12 May 2000 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, 2000).

• The closing date will be 31 July 2000 except those districts within the Eastern Fisheries Region where the closing date will be 12 August 2000.

• Fishing is not allowed during the period commencing at 6.00 a.m. on any Saturday and ending at 6.00 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 2000 and end of 11 May 2001 (with the exception of those districts within the Eastern Fisheries Region where the closed season will commence on 13 August 2000 and sea trout fishing in the Dublin district outside the Liffey tidal waters where the close season will end on 25 April 2001).

SNAP NET FISHING IN WATERFORD ESTUARY

• Opening date 12 May 2000.

• Closing date 14 August 2000.

• Fishing is not allowed between 6.00 a.m. on any Friday and 6.00 a.m. on the next following Monday from 12 May 2000 to 11 June 2000 inclusive. Fishing is allowed five days a week thereafter.

• The close season shall commence on the 15 August 2000, and end on the 11 May 2001.

GENERAL FOR ALL NETS AND ENGINES

The use of monofilament or multistrand monofilament material is not permitted in drift nets in the tidal waters, 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.

[1]