

DEPARTMENT OF COMMUNICATION, MARINE AND NATURAL
RESOURCES

FISHERIES ACTS, 1959 TO 2004

EASTERN FISHERIES REGION AVOCA SYSTEM

BYE-LAW NO. 801 , 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 Eastern Fisheries Region (Avoca System) Bye-law No. 801, 2005.

 (2) This Bye-law comes into operation on 19 September 2005 and ceases to have effect on 31 December 2007.
2. In this Bye-law -

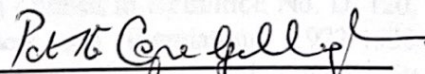
 "Avoca System" includes all the waters that drain the area upstream of the mouth of the Avoca as defined in Definition No. D. 120 which was made by the then Minister for Lands and Fisheries on 10 April 1931;

 "sea trout" means the migratory form of *Salmo trutta*.
3. It is prohibited for any person to take by means of any net or rod and line any salmon or sea trout from the waters to which this Bye-law applies, unless such salmon or sea trout is handled carefully and immediately returned alive to the water from which it is taken.
4. In any 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 this Bye-law, it shall be presumed until the contrary is shown, that any salmon or sea trout found in any place on or near the waters to which this Bye-law applies which are in the possession or control of the person

accused of the offence, are salmon or sea trout taken in contravention of this Bye-law.

EXPLANATORY NOTE

GIVEN under my hand,
7 Sept 2005.



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

FOOTNOTES

Section 11 of the Fisheries (Consolidation) Act, 1959 provides that any person convicted by this bye-law may within 28 days after his publication in the Irish Official Gazette appeal against same to the High Court.