

DEPARTMENT OF COMMUNICATIONS, MARINE AND NATURAL RESOURCES

FISHERIES ACTS 1959 TO 2006

SALMON AND TROUT CONSERVATION

SALMON AND TROUT CONSERVATION (DRAFT NETS) BYE-LAW NO. 821,

2007.

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)), the Marine (Delegation of Ministerial Functions) Order 2006 (S.I. No. 82 of 2006) and the Marine (Delegation of Ministerial Functions) (No. 4) Order 2006 (S.I. No. 543 of 2006) and having complied with the requirements of Regulation 31 of the European Communities (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997), hereby make the following bye-law:

1. (1) This Bye-law may be cited as the Salmon and Trout Conservation (Draft Nets) Bye-law No. 821, 2007.
2. (2) This Bye-law comes into operation on 12 May 2007.

2. In this Bye-law -

(S.I. No. 674 of 2006)

“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 fishing;

“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;

“Cork Harbour” means that part of the sea in a straight line drawn in the direction of Kilcolta Church from the Lighthouse at Roche’s Point on the east to the mainland on the west 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 have on board any boat, or
3. It is prohibited to take or to fish for, or to attempt to take or to fish for, salmon with a draft net or to aid or assist in such taking, fishing, or attempting, in any fishery district other than those rivers mentioned in column (2) opposite mention of a fishery district in column (1)

of Schedule 8 to the Wild Salmon and Sea Trout Tagging Scheme (No. 2) Regulations 2006 (S.I. No. 672 of 2006).

4. Notwithstanding anything contained in any bye-law varying the weekly close time, it is prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a draft net 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.

5. Notwithstanding anything contained in any bye-law fixing the annual close season for salmon or trout in any locality, it is prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a draft net, or to aid or assist in such taking, fishing or attempting in any fishery district, during the period commencing on 1 August 2007 and ending on 11 May 2008.

6. It is 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 draft net in a fishery district, during the periods applicable to those nets specified in Articles 4 and 5. The Salmon and Trout Conservation Bye-law No. 804, 2006 is revoked.

7. (1) Subject to paragraph (2) and notwithstanding anything contained in any bye-law regulating the net to be used in fishing for salmon or trout, it is prohibited to use, or to attempt to use, in fishing for salmon or trout in any fishery district a draft net made wholly or partly of monofilament or multistrand monofilament.

(2) Paragraph (1) in so far as it applies to draft net fishing for salmon or trout, or attempting to use a draft net in fishing for salmon or trout made wholly or partly of monofilament or multistrand monofilament does not apply to such fishing in Cork Harbour.

(3) Subject to paragraph (4) it is 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, any waters in any fishery district, a draft net mounted or otherwise prepared for use in fishing for salmon or trout, made wholly or partly of monofilament or multistrand monofilament.

(4) Paragraph (3) in so far as it applies to having on board any boat, or having in possession, for the capture of salmon or trout, a draft net, mounted or otherwise prepared for use in fishing for salmon or trout, made wholly or partly of monofilament or multistrand monofilament does not apply in Cork Harbour.

EXPLANATORY NOTE

(This is not part of the Bye-law and does not purport to be a legal interpretation.)

8. The Salmon and Trout Conservation Bye-law No. 804, 2006 is revoked.

This Bye-Law sets out the opening and closing dates (and hours) for the draft net salmon and trout (salmon includes sea trout as defined in the Fisheries Consolidation Act 1959) commercial fishing season and prohibits draft net fishing for (salmon and sea trout) in all districts other than those rivers mentioned in schedule 3 of the Wild Salmon and Sea Trout Tagging Scheme Regulations (S.I. No. 672, 2006). The Bye-Law also prohibits the use of monofilament material in draft nets with the exception of fish traps where monofilament is used as a lead line.

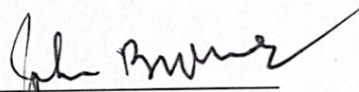
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8th

May 2007.

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 Irish Official Gazette appeal against same to the High Court.



John Browne,

Minister of State at the Department of

Communications, Marine and Natural Resources.

EXPLANATORY NOTE

(This is not part of the Bye-law and does not purport to be a legal interpretation).

This Bye-Law sets out the opening and closing dates (and hours) for the draft net salmon and trout (salmon includes sea trout as defined in the Fisheries Consolidation Act 1959) commercial fishing season and prohibits draft net fishing for (salmon and sea trout) in all districts other than those rivers mentioned in schedule 8 of the Wild Salmon and Sea Trout Tagging Scheme Regulation (S.I. No. 672, 2006). The Bye Law also prohibits the use of monofilament material in draft nets with the exception of Cork Harbour where monofilament material in draft nets is permitted.

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 Irish Oifigiúil, appeal against same to the High Court.