

DEPARTMENT OF COMMUNICATIONS, MARINE AND NATURAL RESOURCES

FISHERIES ACTS 1959 TO 2006

SALMON AND TROUT CONSERVATION

(DRIFT NETS, SNAP NETS AND OTHER ENGINES) BYE-LAW NO. 822, 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 (Drift Nets, Snap Nets and Other Engines) Bye-law No. 822, 2007.

(2) This Bye-law comes into operation on 12 May 2007.

2. In this Bye-law -

“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 fishing 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;

“other engine” means any fishing engine not being a drift net, a draft net, a snap net, box, or a rod and line, capable of being used for the purpose of fishing for salmon or sea trout;

“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 fishing.

3. 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 drift net, snap net or other engine, or to aid or assist in such taking, fishing or attempting in any fishery district in any year.

4. It is prohibited -

(a) to have on board any boat, or

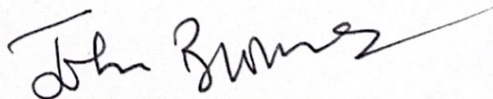
(b) to have in or on any vehicle, or otherwise,

with the intention of taking or fishing for, or attempting to take or to fish for, salmon or trout,
a drift net, snap net or other engine in a fishery district.

GIVEN under my hand,



May 2007.



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 prohibits drift Net, Snap Net and Other Engine fishing for salmon and trout (salmon includes sea trout as defined in the Fisheries Consolidation Act 1959) in all fishery districts. The Bye Law also prohibits having on board a boat or vehicle these nets with the intention of fishing for salmon or trout.

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 Oifigiuil, appeal against same to the High Court.