

DEPARTMENT OF COMMUNICATIONS ENERGY AND NATURAL RESOURCES

INLAND FISHERIES ACTS 1959 TO 2010

**CONSERVATION OF SALMON AND SEA TROUT (DRAFT NETS AND SNAP NETS) BYE-LAW
NO. 933, 2015.**

I, Joe McHugh, Minister of State at the Department of Communications, Energy and Natural Resources, in exercise of the powers conferred on me by section 57 of the Inland Fisheries Act 2010 (No. 10 of 2010) and the Energy and Natural Resources (Delegation of Ministerial Functions) Order 2014 (S.I. No. 585 of 2014), at the request of Inland Fisheries Ireland, hereby make the following bye-law:

1. (1) This Bye-law may be cited as the Conservation of Salmon and Sea Trout (Draft Nets and Snap Nets) Bye-law No. 933, 2015.

(2) This Bye-law comes into operation on 12 May 2015.

2. In this Bye-law—

“Castlemaine Harbour” means that part of the sea—

- (a) east of an imaginary line drawn from Lack Point in the townland of Lack and running in a south-westerly direction through Cromane Point, in the townland of Cromane Lower, to Black Point in the townland of Dooghs, and
- (b) west or seaward of the defined mouth of the River Laune defined as an imaginary straight line drawn in a southerly direction from Pointantirrig, in the townland of Callanafersy West, to a point in the townland of Reen and that part west or seaward of

the defined mouth of the River Maine defined as an imaginary straight line drawn in a north-easterly direction from Rosculien Point, in the townland of Callanafersy West, to Laghtacallow Point in the townland of Laghtacallow,

all in the county of Kerry, as defined by the Definition No. D. 25 made on 3 March 1865 by the Special Commissioners appointed under the Salmon Fishery (Ireland) Act 1863, in the No. 7 or Kerry District;

“Cork Harbour” means that part of the sea contained within 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, in the No. 5 or Cork District;

“draft net” includes 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, or attempting to take or to fish, for salmon or sea trout;

“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 a filament 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;

“salmon” means fish of the species *Salmo salar* (Atlantic salmon);

“sea trout” means fish of the migratory form of *Salmo trutta*, but does not include a sea trout which is 40 centimetres or less in length measured in a straight line from the tip of the snout to the fork of the tail;

“snap net” includes a single wall of netting attached to a 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, or attempting to take or to fish, for salmon or sea trout.

3. Subject to this Bye-law, it is prohibited to take or to fish, or to attempt to take or to fish, for salmon or sea trout with a draft net or a snap net or to aid or assist in such taking, fishing, or attempting, in any fishery district, other than—

- (a) with a draft net, in the waters of those rivers mentioned in column (2) of Parts 1, 2, 3, 4 and 5 of the Schedule opposite mention of a fishery district in column (1) of those Parts of that Schedule, or
- (b) with a snap net, in the waters of the rivers mentioned in column (2) of Part 1 of the Schedule opposite mention of a fishery district in column (1) of that Part of that Schedule.

4. Notwithstanding anything contained in any bye-law fixing the annual close season for salmon or sea trout in any locality, it is prohibited to take or to fish, or to attempt to take or to fish, for salmon or sea trout, or to aid or assist in such taking, fishing, or attempting with a draft net in the waters of the rivers mentioned in column (2) of Part 3 of the Schedule opposite mention of a fishery district in column (1) of that Part of that Schedule during the period from 12 May to 31 May 2015.

5. Notwithstanding anything contained in any bye-law varying the weekly close time, it is prohibited to take or to fish, or to attempt to take or to fish, for salmon or sea trout, or to aid or assist in such taking, fishing or attempting in any fishery district—

(a) with a draft net, during the period—

(i) other than during the month of July, from 6 o'clock in the morning on any Saturday until 6 o'clock in the morning on the following Tuesday, and

(ii) during the month of July, from 6 o'clock in the morning on any Saturday until 6 o'clock in the morning on the following Monday, or

(b) with a snap net, during the period from 6 o'clock in the morning on any Saturday until 6 o'clock in the morning on the following Monday in the waters of those rivers mentioned in column (2) of Part 1 of the Schedule opposite mention of a fishery district in column (1) of that Part of that Schedule.

6. Notwithstanding anything contained in any bye-law fixing the annual close season for salmon or sea trout in any locality, it is prohibited to take or to fish, or attempt to take or to fish, for salmon or sea trout, or to aid or assist in such taking, fishing or attempting in any fishery district—

(a) with a draft net, during the period—

(i) from 15 August 2015 until 11 May 2016, in the waters of the rivers mentioned in column (2) of Part 2 of the Schedule opposite mention of the fishery districts in column (1) of that Part of that Schedule, and

(ii) from 1 August 2015 until 31 May 2016, in the waters of the rivers mentioned in column (2) of Part 3 of the Schedule opposite mention of the fishery districts in column (1) of that Part of that Schedule, and

(iii) from 1 August 2015 until 11 May 2016, in all other fishery districts, or

(b) with a snap net, during the period from 15 August 2015 until 11 May 2016, in the waters of the river mentioned in column (2) of Part 1 of the Schedule opposite mention of the fishery district in column (1) of that Part of that Schedule.

7. Notwithstanding the prohibition contained in the South Western Fisheries Region (No. 7 or Kerry District) Conservation of Salmon and Sea Trout Bye-Law No. 844, 2008 or anything contained in any bye-law fixing the annual close season, it is permitted to take or fish for salmon or sea trout with a draft net in Castlemaine Harbour during the period from 12 May to 31 July 2015.

8. It is prohibited to have a draft net or a snap net on board any boat, in or on any vehicle or near the banks of a river or the shore of its estuary, with the intention of taking or fishing, or attempting to take or to fish, for salmon or sea trout in a fishery district where fishing is prohibited during any of the periods applicable to those nets specified in Article 4, 5 or 6.

9. (1) Notwithstanding anything contained in any bye-law regulating the net to be used in fishing for salmon or sea trout, it is prohibited to use, or to attempt to use a draft net or a snap net made wholly or partly of monofilament or multistrand monofilament in fishing for salmon or sea trout in any fishery district other than in—

(a) Cork Harbour or in Castlemaine Harbour in respect of a draft net, and

- (b) the River Blackwater (Munster) including Glenshelane and Finnisk in the No. 4 or Lismore District, in respect of a snap net.

(2) It is prohibited to have a draft net or a snap net made wholly or partly of monofilament or multistrand monofilament mounted or otherwise prepared for use in fishing for salmon or sea trout on board any boat or to have a draft net or a snap net made wholly or partly of monofilament or multistrand monofilament in possession, for the capture of salmon or sea trout on any quay on or adjacent to, or on or near any bank of, any waters in any fishery district other than in—

- (a) Cork Harbour or in Castlemaine Harbour in respect of a draft net, and
- (b) the River Blackwater (Munster) including Glenshelane and Finnisk in the No. 4 or Lismore District, in respect of a snap net.

10. The Conservation of Salmon and Sea Trout (Draft Nets and Snap Nets) Bye-law no. 924, 2014 is revoked.

SCHEDULE

RIVERS

Articles 3, 4, 5 and 6

Part 1

Fishery district (1)	River (2)
No. 4 or Lismore District	Blackwater (Munster) including Glenshelane and Finnisk

Part 2

Fishery district (1)	River (2)
No. 5 or Cork District	Owenacurra
	Lower Lee
	Bandon
	Ilen
	Mealagh
	Argideen
	Glengarriff
	Coomhola
	Owvane
No. 7 or Kerry District	Roughy
	Ferta
	Sneem
	Waterville

	Caragh
	Laune (including Cottoners)
	Owenmore R.
	Inny
	Maine
	Sheen
	Croanshagh (Glanmore River and Lake)
No. 10 (2) or Bangor District	Owenduff
	Newport R.
	Glenamoy
No. 12 or Sligo District	Ballisodare

Part 3

Fishery district (1)	River (2)
No. 8 or Limerick District	Feale

Part 4

Fishery district (1)	River (2)
No. 10 (1) or Ballinakill District	Erriff
	Bundorragha
	Owenglin (Clifden)
	Dawros
	Culfin
No. 14 (1) or Letterkenny District	Owenea/Owentocker
	Gweebarra

Part 5

Fishery district (1)	River (2)
No. 7 or Kerry District	Castlemaine Harbour

GIVEN under my hand,

08 May 2015.

Joe McHugh

Joe McHugh,

Minister of State at the

Department of Communications,

Energy 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 and snap net salmon and sea trout (salmon includes sea trout as defined in the Inland Fisheries Act, 2010) commercial fishing season, 2015 and prohibits draft net and snap net fishing for salmon and sea trout in all fishery districts except those mentioned in the Schedule to the Bye-law.

The Bye-Law also prohibits the use of monofilament material in draft nets and snap nets, with the exception of the following; The Blackwater (Munster) including Glenshelane and Finnisk where monofilament material in snap nets is permitted, and also in Cork Harbour and Castlemaine Harbour where monofilament material in draft nets is permitted.

RIVERS

Part 1

Fishery district (1)	River (2)	Opening Dates	Closed Dates
No. 4 or Lismore District	Blackwater (Munster) including Glenshelane and Finnisk	12 th May (snap nets) 12 th May (Draft Nets)	15 th Aug (Snap nets) 1 st Aug (Draft Nets)

Part 2

Fishery district (1)	River (2)	Opening Dates	Closing Dates
No. 5 or Cork District	Owenacurra	12 th May	15 th Aug
	Lower Lee		
	Bandon		
	Ilen		
	Mealagh		
	Argideen		
	Glengarriff		
	Coomhola		
	Owvane		

No. 7 or Kerry District	Roughty	12 th May	15 th Aug
	Ferta		
	Sneem		
	Waterville		
	Carragh		
	Laune (including Cottoners)		
	Owenmore R.		
	Inny		
	Maine		
	Sheen		
	Croanshagh (Glanmore River and Lake)		
No. 10 (2) or Bangor District	Owenduff	12 th May	15 th Aug
	Newport R.		
	Glenamoy		
No. 12 or Sligo District	Ballisodare	12 th May	15 th Aug

Part 3

Fishery district (1)	River (2)	Opening Dates	Closing Dates
No. 8 or Limerick District	Feale	1 st Jun	1 st Aug

Part 4

Fishery district (1)	River (2)	Opening Dates	Closing Dates
No. 10 (1) or Ballinakill District	Erriff	12 th May	1 st Aug
	Bundorragha		
	Owenglin (Clifden)		
	Dawros		
	Culfin		
No. 14 (1) or Letterkenny District	Owenea/Owentocker	12 th May	1 st Aug
	Gweebarra		

Part 5

Fishery district (1)	River (2)	Opening Dates	Closing Dates
No. 7 or Kerry District	Castlemaine Harbour	12 th May	1 st Aug

FOOTNOTE

Section 57 (7) of the Inland Fisheries Act, 2010 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.