B Y E - L A W

entitled

Conservation of Salmon and Sea Trout (Draft Nets and Snap Nets)

Bye-law No. 972, 2019

To be made by the Minister of State at the Department of Communications, Climate Action and Environment

I, Seán Canney, Minister of State at the Department of Communications, Climate Action and Environment, in exercise of the powers conferred on me by section 57 of the Inland Fisheries Act 2010 (No. 10 of 2010) (as adapted by the Communications, Energy and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2016 (S.I. No. 421 of 2016)) and the Communications, Climate Action and Environment (Delegation of Ministerial Functions) Order 2018 (S.I. No. 472 of 2018) 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. 972, 2019.

(2) This Bye-law comes into operation on 12 May 2019.

2. In this Bye-law -

"annual close season" has the meaning assigned to it by section 129 of the Fisheries (Consolidation) Act 1959;

"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" has the meaning assigned to it by the Fisheries (Consolidation) Act 1959;

"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;

"weekly close time" has the meaning assigned to it by section 139 of the Fisheries (Consolidation) Act 1959.

3. Subject to this Bye-law and 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 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 snap net, in the waters of the river specified in column (2) of Part 1 of the Schedule opposite the fishery district specified in column (1) of that Part, during the period commencing on the opening day specified in column (3) and ending on the closing day specified in column (4) opposite that entry in column (1) of that Part, or

(b) with a draft net, in the waters of the river specified in column (2) of Part 2 of the Schedule, opposite the fishery district specified in column (1) of that Part, during the period commencing on the opening day specified in column (3) and ending on the closing day specified in column (4) opposite that entry in column (1) of that Part.

4. 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 snap net, during the period commencing at 6 a.m. on any Saturday and ending at 6 a.m. on the following Monday in the waters of the river specified in column (2) of Part 1 of the Schedule, opposite the fishery district specified in column (1) of that Part, or

(b) with a draft net, during the period -

(i) other than during the month of July, commencing at 6 a.m. on any Saturday and ending at 6 a.m. on the following Tuesday, and

(ii) during the month of July, commencing at 6 a.m. on any Saturday and ending at 6 a.m. on the following Monday,

in the waters specified in column (2) of Part 2 of the Schedule, opposite the fishery district specified in column (1) of that Part.

5. 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, a person may take or fish for salmon or sea trout with a draft net in Castlemaine Harbour during the period commencing on 12 May 2019 and ending on 31 July 2019.

6. A person shall not, during a period specified in Article 3 or 4 as applying to a draft net or snap net, in a fishery district where fishing is prohibited during the period so specified in Article 3 or 4, have in his or her possession 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, which is capable of being used for the taking or fishing, or attempting to take or to fish, for salmon or sea trout.

7. (1) Subject to paragraph (3), and notwithstanding anything contained in any bye-law regulating the net to be used in taking or fishing for salmon or sea trout, a person shall not use, or to attempt to use a draft net or a snap net made wholly or partly of monofilament or multistrand monofilament in taking or fishing for salmon or sea trout in any waters in any fishery district.

(2) Subject to paragraph (3), a person shall not have in his or her possession a draft net or a snap net made wholly or partly of monofilament or multistrand monofilament which is -

(a) mounted or otherwise prepared for use in taking or fishing for salmon or sea trout on board any boat, or

(b) capable of being used for taking or fishing for, or attempting to take or fish for, salmon or sea trout on any quay on or adjacent to, or on or near any bank of, any waters in any fishery district.

(3) Paragraphs (1) and (2) shall not apply -

(a) in respect of a draft net, in any waters of the fishery district of Cork Harbour or Castlemaine Harbour, and

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

8. The Conservation of Salmon and Sea Trout (Draft Nets and Snap Nets) Bye-law No. 960, 2018 is revoked.

SCHEDULE

Articles 3 and 4

RIVERS

Part 1 - Snap Net

Fishery district **(1)**	**River** **(2)**	**Opening day** **(3)**	**Closing day** **(4)**
No. 4 or Lismore District	Blackwater (Munster) including Glenshelane and Finnisk	12 May	31 July

Part 2 - Draft Net

Fishery district **(1)**	**River** **(2)**	**Opening day** **(3)**	**Closing day** **(4)**
No. 4 or Lismore District	Blackwater (Munster) including Glenshelane and Finnisk	12 May	31 July
No. 5 or Cork District	Lower Lee	12 May	31 July
	Bandon		
	Ilen		
	Mealagh		
	Argideen		
	Adrigole		
	Glengarriff		
	Coomhola		
	Owvane		
No. 7 or Kerry District	Roughty	12 May	31 July
	Croanshagh		
	Sneem		
	Ferta		

	Waterville		
	Carragh		
	Laune (including Cottoners)		
	Owenmore R.		
	Maine		
	Sheen		
No. 10 (2) or Bangor District	Owenduff	12 May	31 July
	Glenamoy		
	Newport R.		
No. 12 or Sligo District	Ballysadare	12 May	31 July
No. 10 (1) or Ballinakill District	Erriff	12 May	31 July
	Bundorragha		
	Dawros		
	Culfin		
No. 14 (1) or Letterkenny District	Gweebarra	12 May	31 July
	Tullaghobegley	12 May	31 July
No. 7 or Kerry District	Castlemaine Harbour	12 May	31 July

GIVEN under my hand,

2 April 2019.

Seán Canney

Seán Canney,

Minister of State at the Department of

Communications, Climate Action

and Environment.

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 2019, 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.