

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. 899**

I, Fergus O'Dowd, 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) (No. 2) Order 2011 (S.I. No. 631 of 2011), at the request of Inland Fisheries Ireland, and having complied with Regulations 27 and 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), 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. 899, 2012.

(2) This Bye-law comes into operation on 12 May 2012.

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) that part 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 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;

“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;

“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” 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 taking or fishing for, 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 for, or to attempt to take or to fish for, salmon or sea trout with a draft net or 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) opposite mention of a fishery district in column (1) of Parts 3, 4, 5 6 and 7 of the Schedule, or

(b) with a snap net, in the waters of the rivers mentioned in column (2) opposite mention of a fishery district in column (1) of Parts 1, 2 and 3 of the 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 for, or to attempt to take or to fish for, salmon or sea trout, or to aid or assist in such taking, fishing, or attempting, -

(a) with a draft net in the waters of the rivers mentioned in column (2) opposite mention of a fishery district in column (1) of Part 5 of the Schedule, during the period commencing on 12 May 2012 and ending on 31 May 2012, or

- (b) with a snap net in the waters of the rivers mentioned in column (2) opposite mention of a fishery district in column (1) of Part 2 of the Schedule, during the period commencing on 12 May 2012 and ending on 30 June 2012.

5. 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 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 commencing at 6 o'clock a.m. on any Monday and ending at 6 o'clock a.m. on the next following Tuesday, other than during the month of July in the year 2012, or
- (b) with a snap net, during the period commencing at 6 o'clock a.m. on any Saturday and ending at 6 o'clock a.m. on the next following Monday.

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 for, 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) commencing on 15 August 2012, in the waters of the rivers mentioned in column (2) opposite mention of the fishery districts in column (1) of Parts 4 and 5 of the Schedule, and

(ii) commencing on 1 August 2012, in all other fishery districts, or

(b) with a snap net, during the period commencing on 15 August 2012,

and ending on 11 May 2013.

7. Subject to section 94 of the Fisheries (Consolidation) Act 1959, but 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, during the period commencing 12 May 2012 and ending 31 July 2012, to take or to fish for salmon or sea trout with a draft net in Castlemaine Harbour.

8. It is prohibited -

- (a) to have on board any boat,
- (b) to have in or on any vehicle, or
- (c) on or near the banks of a river or the shore of its estuary,

with the intention of taking or fishing for, or attempting to take or to fish for, salmon or sea trout, a draft net or snap net in a fishery district with which fishing is prohibited during any of the periods applicable to those nets specified in Articles 4, 5 and 6.

9. (1) Subject to paragraph (2) and 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, in fishing for salmon or sea 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 sea trout or attempting to use a draft net in fishing for salmon or sea trout made wholly or partly of monofilament or multistrand monofilament does not apply to such fishing in Cork Harbour or in Castlemaine 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 sea 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 sea 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 sea trout, a draft net, mounted or otherwise prepared for use in fishing for salmon or sea trout, made wholly or partly of monofilament or multistrand monofilament does not apply in Cork Harbour or in Castlemaine Harbour.

10. The Salmon and Trout Conservation (Draft Nets and Snap Nets) Bye-law No. 882, 2011 and the Conservation of Salmon and Sea Trout (Castlemaine Harbour) Bye-law No. 884, 2011 are revoked.

SCHEDULE

RIVERS

Articles 3, 4, and 7

Part 1

Column (1)	Column (2)
Fishery district (1)	River (2)
No. 3 or Waterford District	Nore

Part 2

Fishery district (1)	River (2)
No. 3 or Waterford District	Suir including Clodiagh, Lingaun and Blackwater

Part 3

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

Part 4

Fishery district (1)	River (2)
No. 5 or Cork District	Owenacurra
	Lower Lee
	Bandon
	Ilen
	Mealagh
	Coomhola
	Owvane
No. 7 or Kerry District	Roughy
	Sneem
	Waterville
	Carragh
	Laune (including Cottoners)
	Owenmore R.
	Inny
	Maine
	Ferta
	Blackwater (Kerry)
Croanshagh (Glanmore River and Lake)	
No. 10 (2) or Bangor District	Owenduff

	Owenmore R.
	Newport R.
	Glenamoy
No. 12 or Sligo District	Ballisodare

Part 5

Fishery district	River
No. 8 or Limerick District	Feale

Part 6

Fishery district	River
No. 10 (1) or Ballinakill District	Erriff
	Bundorragha
	Owenglin (Clifden)
	Dawros
	Culfin
No. 13 or Ballyshannon District	Eany
No. 14 (1) or Letterkenny District	Owenea/Owentocker
	Gweebarra

Part 7

Fishery district	River
No. 7 or Kerry District	Castlemaine Harbour

GIVEN under my hand, 10th

May 2012.

Fergus O'Dowd

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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, 2012 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 with the exception of Cork Harbour and *the specified waters of Castlemaine Harbour* where monofilament material in draft nets is permitted.

RIVERS Part 1

Fishery district (1)	River (2)	Opening Dates	Closing Dates
No. 3 or Waterford District	Nore	12 th May	15 th Aug

Part 2

Fishery district (1)	River (2)	Opening Dates	Closing Dates
No. 3 or Waterford District	Suir including Clodiagh, Lingaun and Blackwater	1 st July	15 th Aug

Part 3

Fishery district (1)	River (2)	Opening Dates	Closing 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 4

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		
	Coomhola		
	Owvane		
No. 7 or Kerry District	Roughty	12 th May	15 th Aug
	Sneem		
	Waterville		
	Carragh		
	Laune (including Cottoners)		
	Owenmore R.		
	Inny		
	Maine		
	Ferta		
	Blackwater (Kerry)		

	Croanshagh (Glanmore River and Lake)		
No. 10 (2) or Bangor District	Owenduff	12 th May	15 th Aug
	Owenmore R.		
	Newport R.		
	Glenamoy		
No. 12 or Sligo District	Ballisodare	12 th May	15 th Aug

Part 5

Fishery district (1)	River (2)	Opening Dates	Closing Dates
No. 8 or Limerick District	Feale	1 st Jun	15 th Aug

Part 6

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. 13 or Ballyshannon District	Eany	12 th May	1 st Aug
No. 14 (1) or Letterkenny District	Owenea/Owentocker	12 th May	1 st Aug
	Gweebarra		

Part 7

Fishery district (1)	River (2)	Opening Dates	Closing Dates
No. 7 or Kerry District	<i>the specified waters of Castlemaine Harbour</i>	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.