

S.I. No. 327/2011 — Control of Fishing for Salmon (Amendment) Order 2011.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 1st July, 2011.*

I, PAT RABBITTE, Minister for Communications, Energy and Natural Resources, in exercise of the powers conferred on me by section 29 (as amended by paragraph 4 of Part II of the Fourth Schedule to the Fisheries Act 1980 (No. 1 of 1980)) of the Fisheries (Amendment) Act 1962 (No. 31 of 1962), the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1977 (S.I. No. 30 of 1977) (as adapted by the Communications, Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 706 of 2007)) at the request of Inland Fisheries Ireland and being satisfied that it has had regard to the requirements of Regulation 31 of the European Communities (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997), hereby order as follows:

1. This Order may be cited as the Control of Fishing for Salmon (Amendment) Order 2011.
2. In this Order “Order of 2011” means Control of Fishing for Salmon Order 2011 (S.I. No. 123 of 2011).

3. Article 8 of the Order of 2011 is amended by inserting after paragraph (2) the following:

“(3) IFI may in the year 2011, on application to it, issue available draft net fishing licences in respect of draft net fishing in Castlemaine Harbour in the No. 7 or Kerry District, to persons who held draft net fishing licences to fish in that fishery district, in the year 2008, allocated under the Control of Fishing for Salmon Order 2008 (S.I. No. 98 of 2008) and who did not avail of the Salmon Hardship Scheme and, if satisfied having regard to its functions that it is appropriate to do so, shall issue the licences to persons who held draft net fishing licences in the year 2008 and traditionally fished Castlemaine Harbour.

(4) If any of the available draft net fishing licences in respect of draft net fishing in Castlemaine Harbour in the No. 7 or Kerry District remain unallocated after IFI has issued the licences in accordance with paragraph (3), IFI may then issue any such unallocated licences in respect of that area and, if it chooses to so issue, shall consider any applications from applicants in respect of any available licences and, if satisfied having regard to its functions that it is appropriate to do so, shall issue the licences in the order set out in Article 6.”

4. Article 12 of the Order of 2011 is amended by substituting “4 April (except in the case of the No. 7 or Kerry District where 4 July applies)” for “4 April”.

5. Schedule 1 to the Order of 2011 is amended by substituting the number “14” for the number “3” in respect of the maximum number of fishing licences referred to in column (3) opposite the mention of the No. 7 or Kerry Fishery District in column (1).

6. Part 2 of Schedule 2 to the Order of 2011 is amended by substituting “4 April 2011 (except in the case of the No.7 or Kerry District where 4 July 2011 applies)” for “4 April 2011”.

L.S.

GIVEN under my official seal,
28 June 2011.

PAT RABBITTE,
Minister for Communications, Energy and Natural Resources.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order amends the Control of Fishing for Salmon Order 2011 (S.I. No. 123 of 2011) to provide

for 14 draft net ordinary licences for the Kerry district and the criteria for determining the offer of licences by Inland Fisheries Ireland.

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