
S.I. No. 557/2009 - Wild Salmon and Sea Trout Tagging Scheme Regulations, 2009

S.I. No. 557 of 2009

WILD SALMON AND SEA TROUT TAGGING SCHEME REGULATIONS, 2009

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WILD SALMON AND SEA TROUT TAGGING SCHEME REGULATIONS, 2009

Notice of the making of this Statutory Instrument was published in

-~~is~~ Oifigiúil-~~is~~ of 5th January, 2010.

I, CONOR LENIHAN, Minister of State at the Department of Communications, Energy and Natural Resources, in exercise of the powers conferred on me by section 9 (as amended by section 3 of the section 3 3 (as amended by section 6(2) of the Fisheries Act 1980 (No. 1 of 1980)) 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 Communications, Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 706 of 2007)) and the Energy and Natural Resources (Delegation of Ministerial Functions) Order 2009 (S.I. No. 199 of 2009) 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 Regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Wild Salmon and Sea Trout Tagging Scheme Regulations 2009.

(2) These Regulations come into operation on 1 January 2010.

Definitions

2. (1) In these Regulations-

-~~is~~ Act of 1980-~~is~~ means the Fisheries Act 1980 (No. 1 of 1980);

-~~is~~ Act of 1994-~~is~~ means the Fisheries (Amendment) Act 1994 (No. 23 of 1994);

-~~is~~ Act of 2000-~~is~~ means the Fisheries (Amendment) Act 2000 (No. 34 of 2000);

-~~is~~ angling season-~~is~~ means the period of time in any year during which it is permitted to fish in the waters of any river in accordance with Bye-Laws made under section 9 of the Principal Act;

-~~is~~ authorised agent-~~is~~ means an authorised agent (within the meaning of section 70(1) of the Principal Act) of a regional board;

-~~is~~ blue tag-~~is~~ has the meaning assigned to it by Regulation 4(8);

- brown tag- has the meaning assigned to it by Regulation 5(4);
- CEO- means Chief Executive Officer;
- commercial gill tag- has the meaning assigned to it by Regulation 11(8);
- commercial fishing engine- means a draft net, snap net or any other lawful fishing engine (other than rod and line);
- commercial fishing licence- means a licence authorising the use of a commercial fishing engine for the taking of salmon or sea trout;
- dealer- means the holder of a salmon dealer- s licence;
- dealer- s record book- means a record book in the form set out in Schedule 9;
- distributor- means the Central Board, a regional board or an authorised agent or owner, occupier or a manager of a private or several fishery;
- document- includes a dealer- s record book, a tags issues register or a tags removals register;
- 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 for, or attempting to take or to fish for, salmon or sea trout;
- farmed salmon or sea trout- includes salmon or sea trout reared entirely in captivity under an aquaculture licence and salmon or sea trout produced by means of aquaculture and imported from outside the State;
- fishing licence- means a commercial fishing licence or a rod licence or both, as the case may be;
- holder of a fishing licence- includes a person who is authorised under section 67(9) (inserted by section 67 of the Act of 1980) of the Principal Act to use the fishing engine which is related to the licence;
- holder of a logbook- includes a person who is a holder of the fishing licence to which the logbook relates;
- length- in relation to a sea trout, means the distance measured in a straight line from the tip of the snout to the fork of the tail;
- logbook- means a salmon and sea trout commercial fishing logbook or a salmon and sea trout angler- s logbook;
- Principal Act- means Fisheries (Consolidation) Act 1959 (No. 14 of 1959);
- relevant board- in relation to-

(a) a fishing licence or a salmon dealer-~~’s~~ licence, means the regional board which issued the licence, or

(b) commercial gill tag, means the regional board from which the tag was issued;

-~~’~~rivers-~~’~~ includes its waters;

-~~’~~rod and line-~~’~~ means any rod and line capable of being used for the purpose of taking or fishing for, or attempting to take or fish for, salmon or sea trout;

-~~’~~rod licence-~~’~~ has the meaning assigned to it by Regulation 4(8);

-~~’~~salmon and sea trout angler-~~’s~~ logbook-~~’~~ means a logbook in the form set out in Part 2 of Schedule 5;

-~~’~~salmon and sea trout commercial fishing logbook-~~’~~ means a logbook in the form set out in Part 1 of Schedule 5;

-~~’~~salmon dealer-~~’s~~ licence-~~’~~ has the meaning assigned to it by section 154 (inserted by section 20 of the Act of 1994) of the Principal Act;

-~~’~~salmon-~~’~~ means fish of the species *Salmo salar* (Atlantic Salmon);

-~~’~~sea trout-~~’~~ means a sea trout over 40 centimetres in length and does not include a farmed sea trout but does include a sea trout which has been released from, or has escaped from, captivity;

-~~’~~snap net-~~’~~ includes 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;

-~~’~~tag-~~’~~ means a gill tag or a tail tag;

-~~’~~tags issues register-~~’~~ means a register in the form set out in Schedule 6;

-~~’~~tags removals register-~~’~~ means a register in the form set out in Schedule 7;

-~~’~~tail tag-~~’~~ means a tail tag as described in Schedule 8;

-~~’~~total allowable catch-~~’~~ has the meaning assigned to it by Regulation 10(3);

-~~’~~wild salmon-~~’~~ does not include a farmed salmon but does include a salmon which has been released from, or has escaped from, captivity.

Tagging of lawfully taken wild salmon and sea trout - gill tags

3. (1) Where a person lawfully catches and retains a wild salmon or sea trout by rod and line, he or she must attach to the fish in accordance with paragraph (3) a blue tag issued to him or her under Regulation 4.

(2) The holder of a commercial licence must ensure that any wild salmon or sea trout caught and retained, in accordance with a quota decided under Regulation 11(1) applicable to the licence, by a commercial fishing engine has a commercial gill tag, issued under Regulation 11(3), attached to it in accordance with this paragraph (3).

(3) A gill tag attached to a wild salmon or sea trout under this Regulation must-

(a) be in colour-

(i) blue, where the fish is caught by rod and line,

(ii) green, where the fish is caught by draft net,

(iii) white, where the fish is caught by snap net, or

(iv) orange, where the fish is caught by any other lawful fishing engine,

(b) have the correct year code in which the fish was caught indicated on it,

(c) other than where the fish is caught by rod and line, have the code for the fisheries region and the fishery district (other than in the Shannon Region) in which the fish is caught indicated on it,

(d) where the fish being a salmon or sea trout is caught by rod and line, if required by the CEO of a regional board of the fisheries region in which the fish is caught, have the name of that fisheries region indicated on it,

(e) bear the correct tag code and number as specified in the logbook to which the tag relates,

(f) be in such a condition, that it is capable of being read, and

(g) upon landing the fish, be firmly fastened and securely locked to the fish by attaching it through the gill opening and mouth of the fish and double locking it around the gill cover so that-

(i) the code and number of the tag face outwards, and

(ii) it cannot be removed without tampering with the lock, breaking or cutting the tag or without cutting or tearing any part of the fish.

(4) This Regulation applies to a wild salmon or sea trout caught in river mentioned in column (2) of Schedule 2.

Distribution of blue tags to anglers

4. (1) The holder of a salmon rod (annual) ordinary, juvenile or district licence shall be issued by a distributor on receipt of licence duty in any year in respect of the period from-

(a) 1 January to 11 May, with 3 blue tags, and

(b) 12 May to 30 September-

(i) with 7 blue tags, where the licence commences during the period referred to in subparagraph (a) and continues into the period referred to in this subparagraph, or

(ii) with 10 blue tags, where the licence commences during the period referred to in this subparagraph,

issued in lots of 3 or 4 tags at such intervals in accordance with the instructions of the CEO of the regional board in whose fisheries region the distributor is located.

(2) The holder of a salmon rod (twenty-one day) ordinary licence shall be issued by a distributor on receipt of licence duty in any year in respect of the period from-

(a) 1 January to 11 May, with 3 blue tags, and

(b) 12 May to 30 September-

(i) with 7 blue tags, where the licence commences during the period referred to in subparagraph (a) and continues into the period referred to in this subparagraph, or

(ii) with 10 blue tags, where the licence commences during the period referred to in this subparagraph,

issued in lots of 3 or 4 tags at such intervals in accordance with the instructions of the CEO of the regional board in whose fisheries region the distributor is located.

(3) The holder of a salmon rod (one-day) ordinary licence shall be issued by a distributor on receipt of licence duty in any year in respect of the period from-

(a) 1 January to 11 May, with 1 blue tag,

(b) 12 May to 31 August, with 3 blue tags, and

(c) 1 September to 30 September, with 1 blue tag.

(4) The holder of a rod licence shall be issued with 1 blue tag in the period from 1 October to 12 October, for sea trout in the rivers which are open under Bye-laws made under section 9 of the Principal Act.

(5) Notwithstanding the foregoing, where a person has been issued with blue tags in accordance with this Regulation and the person has not used any of the tags issued, that person is not entitled to be issued with any further blue tags until at least one of the previous issue of tags has been used.

(6) Notwithstanding the foregoing, holders of rod licences shall not be issued with-

(a) any blue tags for which there is no total allowable catch, or

(b) a number of blue tags which is greater than the total allowable catch,

for a river mentioned in Schedule 2.

(7) Any blue tag held by the holder of a rod licence which is lost or accidentally destroyed may be replaced by a distributor on presentation of a signed declaration of the loss or destruction made before an authorised officer who is satisfied that the tag is so lost or destroyed.

(8) In this Regulation-

- **blue tag**- means a gill tag which is blue in colour, as described in Schedule 1, to be attached in accordance with Regulation 3 to a wild salmon or sea trout lawfully caught by rod and line;

- **licence duty**- means in relation to a licence, licence duty payable under section 68 of the Principal Act in respect of the licence;

- **rod licence**- means a licence referred to in this Regulation.

Additional tagging for anglers in certain rivers - brown tags

5. (1) In addition to the tagging requirements of Regulation 3, where a person lawfully catches and retains a wild salmon or sea trout by rod and line during the periods referred to in paragraph (2) in any of the rivers mentioned in that paragraph, he or she must attach to the fish in accordance with this Regulation a brown tag issued to him or her under Regulation 6.

(2) The periods for the purposes of paragraph (1) are-

(a) from 1 January to 11 May, in respect of a river mentioned in column (2) of Part 1 of Schedule 4, and

(b) from 1 January to 30 September, in respect of a river mentioned in column (2) of Part 2 of Schedule 4 that opens on or after 1 January in accordance with Bye-laws made under section 9 of the Principal Act.

(3) A brown tag attached to a wild salmon or sea trout under this Regulation must-

(a) bear the designated code specified in column (3) of Schedule 4 for the river concerned, and

(b) on landing the fish, be firmly fastened and securely locked to the fish by attaching it through the gill opening and mouth of the fish and double locking it around the gill cover so that-

(i) the code and number of the tag face outwards, and

(ii) it cannot be removed without tampering with the lock, breaking or cutting the tag or without cutting or tearing any part of the fish.

(4) In this Regulation - ~~◆~~brown tag~~◆~~ means a gill tag which is brown in colour, as described in Schedule 3, to be attached, in addition to a blue tag, in accordance with this Regulation to a wild salmon or sea trout lawfully caught by rod and line.

Distribution of brown tags to anglers

6. (1) Subject to paragraph (2), the holder of a salmon rod ordinary licence shall be issued by a distributor with such number of brown tags as are in accordance with the instructions of the CEO of the regional board in whose fisheries region the distributor is located.

(2) The holder of a salmon rod ordinary licence shall not be issued with a number of brown tags which is greater than the number of wild salmon or sea trout which he or she may lawfully take with rod and line during the period for which the licence is in force.

(3) Any brown tag held by the holder of a salmon rod ordinary licence which is lost or accidentally destroyed may be replaced by a distributor on presentation of a signed declaration of loss or destruction made before an authorised officer who is satisfied that the tag is so lost or destroyed.

Notice to distributors relating to brown tags

7. (1) The CEO of a regional board shall issue a notice to distributors in his or her fisheries region in respect of the issue of brown tags for a river mentioned in Schedule 4 in his or her region.

(2) A notice under this Regulation shall specify the procedures to be followed in relation to the issuing of brown tags, entries into log books, registers, return of brown tags, replacement of brown tags and issue of second and subsequent brown tags and be issued in such manner as the CEO concerned decides. The notice shall be published in such manner as the CEO decides.

Restrictions on issue to distributors of brown tags

8. (1) Subject to this Regulation, the CEO of a regional board shall issue to distributors brown tags based on estimated demand in any one month for a river mentioned in column (2) of Schedule 4 opposite mention in column (1) of that Schedule of a fishery district of that board.

(2) The total number of brown tags that may be issued to distributors in respect of a river shall not exceed the total allowable catch for the river.

(3) The CEO of a regional board shall not issue to distributors more than 25 per cent of the total number of brown tags available for any river at any one time, except where due to seasonal variations he or she considers it appropriate to do so.

(4) The CEO of a regional board shall ensure that brown tags are issued to distributors sequentially and for specified periods for issue to licence holders in relation to each river in a fishing district of his or her region.

(5) The CEO of a regional board may require distributors to return unused tags at the end of the period for which they were issued before issuing a distributor with a further allocation of brown tags.

Fishery district committees

9. (1) There continues to be established in relation to each fishery district a committee (- fishery district committee-) to be known as -The Fishery District Committee- (the name of the fishery district being inserted) and each committee shall perform as regards the fishery district in relation to which it is established the functions assigned to a fishery district committee by these Regulations.

(2) A fishery district committee shall consist of-

(a) the members of its regional board who are elected under section 12 of the Act of 1980 and are representative of all the commercial fishermen, salmon rod anglers and rated occupiers in the fishery district of the committee, and

(b) a representative of An Bord Iascaigh Mhara nominated by it,

appointed annually for a period of 12 months by the Chief Executive Officer of the regional board concerned.

Total allowable catch - fishing licences

10. (1) Subject to paragraph (2), the CEO of a regional board, on the recommendation of the fishery district committee concerned, shall decide the allocation of the total allowable catch applicable to a river of the fisheries region of the board between the holders of commercial fishing licences and rod and line fishing licences, as he or she sees fit.

(2) A CEO in deciding the allocation of a total allowable catch under paragraph (1) shall give the Minister and the regional board for the fisheries region concerned his or her reasons for deciding the allocation.

(3) In this Regulation -total allowable catch- means the maximum number of gill tags (if any) specified in column (3) of Schedule 2 that may be issued in respect of wild salmon and sea trout which may be lawfully taken by the holders of fishing licences in a river mentioned in column (2), opposite mention of a fishery district in column (1), of Schedule 2.

Quotas - commercial fishing licences

11. (1) The CEO of a regional board, on the recommendation of the fishery district committee concerned, shall, in accordance with paragraph (2)-

(a) decide the quota applicable to the holder of a commercial fishing licence in respect of a river of a fishery district of the board referred to in Schedule 2,

(b) may decide to vary the quota applicable to the licence, and

(c) shall inform the licence holder of the quota applicable or any variation of it.

(2) The total sum of the quota decided under paragraph (1) by the CEO of the regional board for a fishery district mentioned in column (1) of Schedule 2 in respect of a river mentioned in column (2) of Schedule 2 opposite mention of the district shall not exceed the total allowable catch for the river.

(3) In accordance with a decision made under paragraph (1) the CEO of the regional board concerned shall cause the appropriate number of commercial gill tags to be issued to the holders of commercial fishing licences in respect of the rivers concerned.

(4) Any commercial gill tag held by the holder of a commercial fishing licence, which is lost or accidentally destroyed, may be replaced by the CEO of the relevant board where he or she has been informed immediately of the loss or destruction and is satisfied that the tag is so lost or destroyed.

(5) The holder of a commercial licence who has been issued with commercial gill tags under paragraph (3) must surrender-

(a) any tag which has not been used by him or her during the annual season for which it was issued, or

(b) at the request of the CEO who caused the tags to be issued, such number of tags contained in the request,

to an authorised officer of the relevant board.

(6) A request under paragraph (5)(b) may be made generally to holders of commercial fishing licences or individually to such a licence holder by such written means as the CEO concerned decides.

(7) Where a CEO issues commercial gill tags under paragraph (3), he or she shall, within the period of 7 days from the issue of the tags, record details of the tag allocation, including information on the date of tag issue, the number of tags and tag codes issued to the holder of a commercial fishing licence and the identifying code number of the licence. He or she shall furnish these details and this information to the Central Fisheries Board.

(8) In this Regulation-

-♦commercial gill tag-♦ means a gill tag which is green, white or orange in colour as appropriate to the fishing engine concerned, as described in Schedule 1, to be attached in accordance with Regulation 3 to a wild salmon or sea trout lawfully caught by the commercial fishing engine;

-♦quota-♦ means the maximum number of salmon and sea trout that the holder of a commercial fishing licence may catch and retain under this Regulation from a river mentioned in Schedule 2.

Cessation of commercial fishing and surrender of untagged fish where tags are exhausted

12. Where-

(a) a person being the holder of a commercial fishing licence, captures more fish than he or she has commercial gill tags in his or her possession, he or she must cease to fish, and any wild salmon or sea trout taken by him or her before so ceasing shall, if alive and uninjured, be returned immediately to the water,

(b) the fish cannot be so returned he or she must report this and remove the untagged fish from the boat on which they were caught and surrender them to the relevant board on landing, or

(c) the person does not surrender the fish to the relevant board, the board may take them.

Performance of CEO- functions by other persons

13. The CEO of a regional board may perform any of his or her functions under these Regulations through or by any of the board- officers or employees or any other person duly authorised by the board in that behalf.

Log cards

14. (1) The CEO of a regional board may require distributors in its fishery region to issue a fish capture card together with each gill tag issued to the holder of a salmon rod ordinary licence.

(2) The holder of the salmon rod licence shall enter details (river, date, number of fish killed and rod and line licence number) of any fish captured and killed on a fish capture card and post the card to the regional board concerned specified on the card.

(3) The CEO of a regional board may require a holder of a salmon rod ordinary licence fishing in a fishery district of the fisheries region of that board to give details of the number of fish caught, date of catch, and the river from which they were taken together with his or her licence number as by means of a telephone number, electronic mail or facsimile provided by or on behalf of the CEO to the holder.

(4) A telephone number or facsimile or an electronic mail address under paragraph (3) may be provided by publishing the number or address and the details to be given in a notice to the licence holder, prominently displayed in the fishery district concerned or published in a newspaper published in and circulating in the fisheries region of the regional board concerned.

(5) In this Regulation - fish capture card- means a card issued by and addressed to the relevant regional board (whether pre-paid or not) under paragraph (1).

Logbooks

15. (1) The relevant board shall issue a salmon and sea trout commercial fishing logbook to the holder of a commercial fishing licence.

(2) A salmon and sea trout angler-~~’s~~ logbook shall be issued by the Central Fisheries Board, the relevant board or an authorised agent to the holder of a salmon rod ordinary licence.

(3) A logbook relates to one fishing licence only.

(4) The holder of a logbook must have the logbook in his or her possession when fishing for wild salmon or sea trout under the fishing licence to which the logbook relates.

Entries of events into logbooks

16. (1) Where a wild salmon or sea trout is captured, or captured and released alive to the waters in which it is taken-

(a) by the holder of or on foot of a commercial licence, the holder of the licence shall make or cause to be made an entry of the event in the salmon and sea trout commercial logbook before midnight on the day the event occurred, or

(b) by the holder of a salmon rod ordinary licence, the holder shall make an entry of the event in his or her salmon and sea trout angler-~~’s~~ logbook immediately upon the capture and tagging under these Regulations, or the capture and release, of the fish.

(2) Where a wild salmon or a sea trout is sold by or on behalf of the holder of a salmon and sea trout commercial fishing logbook, the holder of the logbook shall enter into it the name and address of the purchaser of the fish.

Surrender of completed logbooks and unused tags to CEO

17. (1) The holder of a salmon and sea trout commercial fishing logbook must deliver the logbook completed in accordance with Regulation 16(1)(a) together with all unused tags issued to him or her under Regulation 3 to the CEO of the regional board, which issued the licence to which the logbook relates, at the principal offices of the board, not later than 21 August of the year to which they relate, in the manner set out in the logbook.

(2) The holder of a salmon and sea trout angler-~~’s~~ logbook must deliver the logbook completed in accordance with Regulation 16(1)(b) together with all unused tags issued to him or her under Regulations 4 and 6 to the CEO of the regional board, which issued the licence to which the logbook relates, at the principal offices of the board, not later than 19 October of the year to which they relate, in the manner set out in the logbook.

(3) Where delivery for the purposes of paragraph (2) is by post, the holder of the salmon and sea trout angler-~~’s~~ logbook concerned should obtain a certificate or other proof of posting and retain it for 12 months.

Reporting lost or destroyed logbooks

18. The holder of a logbook must report any lost or accidentally destroyed logbook, as soon as possible, to the regional board which issued the fishing licence to which the logbook relates and the logbook may be replaced by the person who issued it on presentation to that

person of a signed declaration made before an authorised officer who is satisfied that the logbook is so lost or destroyed.

Distributors of blue and brown tags and logbooks

19. (1) A distributor who has possession of blue and brown tags and salmon and sea trout anglers- ♦ logbooks for issue to the holder of a rod licence must-

(a) keep them in a secure place,

(b) enter the code and number of any tag being issued to a person in the logbook held by, or being issued to, that person,

(c) keep and maintain a tags issues register to record, in particular, the code and number of any tag which he or she issues and the serial number of the logbook in which he or she has entered the code and number in accordance with paragraph (b),

(d) enter a record in the tags issues register of the code and number of any tag (the first and last numbers of a series will suffice) issued to any person and the serial number of the logbook in which he or she has entered the code and number in accordance with paragraph (b), and

(e) return all tags held in stock to the regional board which issued them no later than 31 October each year or such other day as may be specified from time to time by the board.

(2) Information kept in a tags issues register by a person referred to in paragraph (1) may also be kept by the person by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form.

(3) An authorised officer may request a person referred to in paragraph (1) to produce for examination by the officer the tags issues register kept and maintained by the person or any extract of it or any tags or logbooks in his or her possession.

Dealers

20. (1) A dealer who removes a tag from a wild salmon or sea trout at the time of processing shall retain the tag together with the record of the purchase of the fish, shall complete the tags removals register in respect of the tag and the fish and shall deliver all such tags, records and registers to the relevant board on the first Tuesday in December of each year and on any other day that may be specified from time to time by the board.

(2) A dealer who imports a wild salmon or sea trout into the State shall-

(a) notify the relevant board before the fish is imported,

(b) attach to the fish, within a period which may be specified from time to time by the relevant board, a tail tag issued to him or her under these Regulations by the board by firmly fastening the tag to and securely locking it on the fish by attaching it around the tail of the fish with one end being passed through the locking device and pulled until the tag is

securely in place that it cannot be removed without tampering with the lock, breaking or cutting the tag or without cutting or tearing any part of the fish, and

(c) complete the dealer's record book in respect of such fish in particular by entering a record of the code and number of the tail tag which he or she affixes to the fish.

(3) Any tail tag held by a dealer which is lost or accidentally destroyed, may be replaced by the relevant board where the board has been informed immediately of the loss or destruction and is satisfied that the tag is so lost or destroyed.

(4) In this Regulation - ~~processing~~ in relation to a wild salmon or sea trout, means-

(a) smoking, marinating or cooking the fish,

(b) in the case of a fish tagged with a gill tag, removing the viscera, and the head or tail of the fish and freezing it,

(c) removing the viscera and cutting any steaks, cutlets or other portions of the fish.

Persons engaged in catering

21. (1) A person, other than a dealer, who removes a tag that is attached to a wild salmon or sea trout which he or she has lawfully purchased must-

(a) retain the tag together with a record of the date of the purchase of the fish, a record of the date of the removal of the tag and if applicable the statement of the fisherman obtained under section 163A(2)(b) (inserted by section 20 of the Act of 1994) of the Principal Act for a period of 3 months, and

(b) give to an authorised officer all such tags and records in his or her possession when requested by the officer to do so.

(2) This Regulation does not apply to any wild salmon or sea trout which is purchased bona fide by or on behalf of a person for domestic or private leisure consumption.

Prohibitions

22. (1) Where the holder of a commercial fishing licence has taken the number of fish referred to in the quota applicable to the commercial licence under Regulation 11(1) from waters in a river, he or she shall not fish for any further wild salmon or sea trout in that river.

(2) A person shall not remove a tag that is attached to a wild salmon or sea trout in accordance with these Regulations except at the time the salmon or sea trout is processed.

(3) A person shall not attach, or have attached, a tag other than a tag which has been issued to him or her under these Regulations, to any wild salmon or sea trout.

(4) A person shall not attach a tag to any fish which is not a wild salmon or sea trout.

(5) A person shall not attach to a wild salmon or sea trout a tag which has previously been attached to such a fish.

(6) A person shall not sell, offer to sell, display, import, export or tranship any wild salmon or sea trout which has not a tag attached to it in accordance with these Regulations.

(7) A person shall not have in his or her possession any untagged wild salmon or sea trout which he or she knows, or in the circumstances ought to know, should have a tag attached to it in accordance with these Regulations.

(8) A person shall not-

(a) attach, or have attached, a tag to a farmed salmon or sea trout, or

(b) have in his or her possession, sell, offer to sell, display, import, export or tranship any tagged farmed salmon or sea trout which he or she knows, or in the circumstances ought to know, should not have a tag attached to it.

(9) A person shall not have in his or her possession any wild salmon or sea trout which he or she knows, or in the circumstances ought to know, was taken from a river mentioned in Schedule 2 other than in accordance with the total allowable catch applicable to the river.

Non-application to certain matters

23. These Regulations do not apply to-

(a) anything done in accordance with section 14 (inserted by section 4 of the Fisheries (Amendment) Act 1962 (No. 31 of 1962)) of the Principal Act, or

(b) any wild salmon or sea trout lawfully caught and retained by the Central Board, a regional board, the Marine Institute or the Electricity Supply Board other than where it decides to tag any wild salmon or sea trout caught and retained by it in accordance with these Regulations.

Forfeiture of fishing licence and consequential disqualification order

24. It is declared that section 90(3) (inserted by section 51 of the Act of 1980 and as amended by section 4 of the Act of 2000) of the Principal Act applies to an offence under section 24(6) (inserted by section 3(a)(i) of the Act of 2000) of the Fisheries (Amendment) Act 1999 (No. 35 of 1999) in respect of a failure to comply with Regulation 3 or 5 or a contravention of Regulation 22.

Revocation

25. The Wild Salmon and Sea Trout Tagging Scheme Regulations 2008 (S.I. No. 586 of 2008) are revoked.

Regulation 3

SCHEDULE 1 Gill Tags - blue tags and commercial gill tags

Description of a gill tag

1. A gill tag shall be-

(a) made of plastic and bear a locking device, and

(b) at least 0.5 centimetres in width and at least 18 centimetres in length with printed details and colour as specified below.

2. Colours

Angling

Blue = Rod and line

Commercial fishing licences

Green = Draft net

White = Snap net

Orange = Other fishing engine

3. Country code

I = Ireland

4. Fisheries Region and Fishery District codes

E = Eastern Region

District (DK = Dundalk, DA = Drogheda, DN = Dublin, WD = Wexford)

S = Southern Region

District (WD = Waterford, LE = Lismore)

SW = South Western Region

District (CK = Cork, KY = Kerry)

SH = Shannon Region

No fishery district code required.

W = Western Region

District (GY = Galway, CA = Connemara, BL = Ballinakill)

NW = North Western Region

District (BR = Bangor, BA = Ballina, SO = Sligo)

N = Northern Region

District (BN = Ballyshannon, LY = Letterkenny)

Blue tags shall not bear a fishery district code.

5. Year code

The year code shall be the last two digits of the year.

6. Security code

A two digit security code shall be added to the tags.

7. Number

Numbers shall be from 1 to the estimated maximum allocation.

Example

For example, a draft net caught fish recorded in the Ballina district in the year 2010 should be identifiable from its tag as follows:

Tag colour green, code INWBA10XX and number between 1 and the maximum.

8. Other optional details

The words -❖Fisheries Boards-❖ and a bar code may be printed on the tag.

Regulations 10 and 11

SCHEDULE 2 Rivers

Total Allowable Catch

	Fishery district(1)	River(2)	Maximum number of tags that may be issued in respect of taking wild salmon or sea trout from river(3)
Dublin	Dargle		0
	Liffey		0
	Vartry		0

Wexford	Slaney	0	
	Avoca	0	
	Owenvorragh	0	
Waterford	Barrow and Pollmounty	0	
	Nore	2,277	
	Suir including Clodiagh, Lingaun, and Waterford Blackwater		0
	Colligan	0	
	Corock R	0	
	Owenduff	0	
	Mahon	0	
	Tay	0	
Lismore	Blackwater (Munster) including Glenshelane and Finisk		5,054
	Bride	0	
	Lickey	0	
	Tourig	0	
	Womanagh	0	
Cork	Owenacurra	57	
	Lower Lee	2,009	
	Bandon	503	
	Ilen	119	
	Mealagh	176	
	Coomhola	56	
	Upper Lee	0	
	Glengarriff	0	
	Argideen	115	

	Owvane	136	
	Adrigole	0	
Kerry	Roughty	1,138	
	Blackwater (Kerry)	0	
	Sneem	742	
	Waterville	786	
	Caragh	684	
	Laune including Cottoners	5,870	
	Owenmore R.	280	
	Croanshagh (Glanmore R. and L)	76	
	Sheen	121	
	Inny	70	
	Maine	220	
	Kealinya	0	
	Lough Fada	0	
	Owenshagh	0	
	Cloonee	0	
	Finnihy	0	
	Owenreagh	0	
	Emlaghmore	0	
	Carhan	0	
	Ferta	45	
	Behy	0	
	Emlagh	0	
	Owenascaul	0	

	Milltown	0
	Feohanagh	0
	Lee	0
Limerick	Feale including Galey and Brick	4,652
	Mulkear	1,479
	Maigue	0
	Shannon River	0
	Fergus	0
	Deel	0
	Owenagarney	0
	Doonbeg	0
	Skivileen	0
	Annageeragh	0
	Inagh	0
	Aughyvackeen	0
Galway	Corrib	4,015
	Aille (Galway)	0
	Kilcolgan	0
	Clarinbridge	0
	Knock	0
	Owenboliska R (Spiddal)	0
Connemara	Cashla	678
	Screebe	114
	Ballynahinch	1,355
	L. Na Furnace	0

Ballinakill	Erriff	512
	Bundorragha	408
	Common estuary 1	791
	Owenglin (Clifden)	358
	Dawros	1,014
	Culfin	143
	Carrownisky	0
	Bunowen	0
	Owenwee (Belclare)	0
Bangor	Srahmore (Burrishoole)	66
	Owenduff	1,283
	Owenmore R.	4,021
	Common estuary 2	4,774
	Newport R. (Lough Beltra)	405
	Glenamoy	0
	Owengarve R	0
	Muingnabo	0
Ballina	Moy	27,435
	Easkey	1,623
	Cloonaghmore (Palmerstown)	0
	Ballinglen	0
	Brusna	0
	Leaffony	0
Sligo	Ballysadare	2,397
	Drumcliff	115

	Garvogue (Bonnet)	625
	Grange	0
Ballyshannon	Duff	1,140
	Drowes	1,772
	Eany	283
	Glen	257
	Erne	0
	Eske	0
	Abbey	0
	Ballintra (Murvagh R)	0
	Laghy	0
	Oily	0
	Bungosteen	0
	Owenwee (Yellow R)	0
Letterkenny	Owenea/Owentocker	865
	Gweebarra	693
	Clady	0
	Tullaghobegly	0
	Crana	677
	Gweedore (Crolly R)	380
	Ray	0
	Lackagh	0
	Leannan	0
	Bracky	0
	Owenamarve	0

	Glenna	0
	Swilly	0
	Isle (Burn)	0
	Mill	0
	Clonmany	0
	Straid	0
	Donagh	0
	Glenagannon	0
	Culoort	0
Dundalk	Castletown	0
	Fane	387
	Glyde	0
	Dee	0
	Flurry	0
Drogheda	Boyne	0

1 If draft netting in the common estuary is allowed the quotas for the Erriff and Bundorragha have to be fixed for the common estuary and this quota is lower than a combination of the two individual river quotas because it is a mixed stock fishery and the lower amount is necessary to ensure meeting the 75% target.

2 If draft netting in the common estuary is allowed the quotas for the Owenduff and Owenmore have to be fixed for the common estuary and this quota is lower than a combination of the two individual river quotas because it is a mixed stock fishery and the lower amount is necessary to ensure meeting the 75% target.

Regulation 5

SCHEDULE 3 Brown Tags

Description of a brown tag

1. A brown tag shall be-

(a) brown in colour,

(b) made of plastic and bear a locking device,

(c) at least 0.5 centimetres in width and at least 18 centimetres in length with printed details as specified below, and

(d) bear the designated code for the river concerned specified in column (3) of Schedule 4.

2. Country code

IRL = Ireland

3. Number

Each coded tag will contain a letter followed by a number.

Example

For example, a fish caught on 15 May in the river Bandon in the Cork District should be identifiable from its brown tag as follows:

Code - ♦ Fisheries Board IRL L1 - ♦.

Regulations 5, 7 and 8

SCHEDULE 4 Fishery districts and rivers to which brown tags apply

PART 1

Code (3)	Fishery District(1)	River(2)	Designated
Sligo	Garvogue (Bonnet)	A2	

PART 2

Code (3)	Fishery District(1)	River(2)	Designated
Cork	Lower Lee	D2	
	Bandon	L1	

	Coomhola	Q1
	Ilen	U1
Kerry	Croanshagh	R1
	Sheen	S1
	Inny	T1
	Owenmore	W1
	Maine	F1
Ballinakill	Culfin	Y1
Sligo	Ballysadare	C1
Ballyshannon	Eany	B2

Regulation 15

SCHEDULE 5 Logbooks

PART 1 Regional Fisheries Boards

Salmon and Sea Trout Commercial Fishing Logbook

Issuing Board:

Log Book Number:

Year:

Details of Commercial Licence Holder

Licence holder

Surname:

Given Names:

Address:

Licence holder-~~is~~ nominee

Surname:

Given Names:

Address:

River to be fished:

Licensed fishing method:

District to be fished as per licence:

Identification number of licence:

Type of fishing vessel and registration number:

Record of Gill Tags Issues

numbers of issued tags	Date of Issue Issuing officer-	Number of tags issued name & initials	Codes and
------------------------	-----------------------------------	--	-----------

Record of Gill Tags Lost

*See note

numbers of lost tags	Date of declaration Certifying officer-	Number of lost tags name & initials	Codes and
----------------------	--	--	-----------

*Gill tags which are lost or accidentally destroyed, may be replaced by the Chief Executive Officer of the regional board where he or she has been informed immediately of the loss or destruction and is satisfied that the tags are so lost or destroyed.

Record of Gill Tags Returned

numbers of returned tags	Date of declaration Certifying officer-	Number of returned tags name & initials	Codes and
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Daily Fishing Effort and Catch Record

Date: (dd/mm/yy)

	Time commenced fishing	Time completed fishing	Number of
salmon captured and tagged			Number of sea trout captured and tagged
	River/common estuary from which fish captured		
AM/PM*	AM/PM*		

*Please delete AM or PM as appropriate or use the 24 hour clock.

Certified Correct:

(licence holder or nominee signature)

Daily Disposal of Captured Fish

	Date of disposal(dd/mm/yy)
Name & address of salmon dealer/hotel/guest house/restaurant/other purchaser or domestic consumption	Number of fish
	Salmon Sea trout

Certified Correct:

(licence holder or nominee signature)

PART 2 Central Fisheries Board and Regional Fisheries Boards

Salmon and Sea Trout Angler-~~s~~ Logbook

Year:

(Details of salmon rod ordinary licence to be entered here)

Record of Tags

quantity	Date(dd/mm/yy)	Issued(give quantity)	Lost(give
and last in sequence)	Returned(give quantity)	Tag Codes and Numbers (give first	Tag Codes and Numbers (give first
	Authorised Agent	Authorised Agent Signature	Authorised Agent Signature

You must return all logbooks and all unused carcass tags to your local regional fisheries board or the fisheries board in whose region your licence was purchased. Logbooks and unused tags may be returned by post (a business reply envelope is provided) or in person.

Fishing and Catch Record

	Date(dd/mm/yy)	River/Lake/Beat	County	Species(tic
		Salmon Sea Trout		
1.				
2.				
etc.				

Please record lure using the following codes: Fly (F), Spinner (S), Worm (W), Prawn/Shrimp (P), Other (O).

Certified Correct:

(licence holder's signature)

Total days fished (including those when no fish were caught)

Regulation 19(1)

SCHEDULE 6

Tags Issues Register

Serial No. TG to TG

Year

Fisheries region

Issuing regional board or authorised agent:

Agent Code

holder	Date	Licence number (please include letter prefix)	Name of licence
blue tags and brown tags (give first and last in sequence)	Number of blue tags and brown tags issued	Codes and numbers of	Name of issuer(initials will suffice)

Regulation 20(1)

SCHEDULE 7

Tags Removals Register

Serial No. TR to

Year

Dealer Licence Number:

Dealer Name:

Dealer Address

Colour	Species(if sea trout please tick box)	Date of Tag Removal	Tag Code and Number	Tag
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Regulation 20(2)and (3)

SCHEDULE 8

Tail Tag

Physical description of a tail tag:

1. A tail tag shall be-

(a) yellow in colour,

(b) made of plastic and bear a locking device,

(c) a cable tie type tag with flag to allow printed details, and

(d) a minimum of 19 centimetres in length with printed details as specified below.

2. *Country code:*

I = Ireland

3. *Fisheries Region code:*

E = Eastern Region

S = Southern Region

SW = South Western Region

SH = Shannon Region

W = Western Region

NW = North Western Region

N = Northern Region

4. *Year code:*

The year code shall be the last two digits of the year.

5. *Security code:*

A two digit security code shall be added to the tags.

6. *Number:*

Numbers shall be from 1 to the expected maximum allocation.

Example:

For example, an imported fish recorded in the Northern Region in the year 2002 should be identifiable from its tag as follows:

Tag colour yellow, code IN02XX and number between 1 and the maximum

7. *Other optional details:*

The words -❖Fisheries Boards-❖ and a bar code may be printed on the tag.

Regulation 20(2)(c)

SCHEDULE 9

Dealer-❖s Record Book

Imported Wild Salmon and Sea Trout Dealer-❖s Record Book

Serial No. TD to

Year

Dealer Licence Number:

Dealer Name:

Dealer Address

Date of Import	Time of Import	Supplier	Number of fish
notified to regional board	Number of fish imported and tagged	Codes and numbers of tail	tags affixed to fish



GIVEN under my hand,

17 December 2009.

CONOR LENIHAN,

Minister of State at the Department of Communications, Energy and Natural Resources.

EXPLANATORY NOTE.

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

These regulations provide for, among other things, the quotas of fish that can be harvested by commercial fishing engines and rod and line from the waters of those rivers identified in Schedule 2. The Regulations also provide for the use of brown tags in the waters of specified rivers which are identified in Schedule 4.

1 If draft netting in the common estuary is allowed the quotas for the Erriff and Bundorragha have to be fixed for the common estuary and this quota is lower than a combination of the two individual river quotas because it is a mixed stock fishery and the lower amount is necessary to ensure meeting the 75% target.

2 If draft netting in the common estuary is allowed the quotas for the Owenduff and Owenmore have to be fixed for the common estuary and this quota is lower than a combination of the two individual river quotas because it is a mixed stock fishery and the lower amount is necessary to ensure meeting the 75% target.

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