

# DRAFT FOR CONSULTATION

S.I. No.        of 2011

## Wild Salmon and Sea Trout Tagging Scheme (No. 2) Regulations 2011

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**SI No. 2011.**

**Wild Salmon and Sea Trout Tagging Scheme (No. 2) Regulations 2011**

I, Pat Rabbitte, Minister for Communications, Energy and Natural Resources, in exercise of the powers conferred on me by sections 69 and 78 (3)(a)(v) of the Inland Fisheries Act, 2010 (No. 10 of 2010) at the request of Inland Fisheries Ireland, and in accordance with Regulation 27 and having complied with Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) hereby make the following regulations:

**Citation and commencement**

1. (1) These Regulations may be cited as the Wild Salmon and Sea Trout Tagging Scheme (No. 2) Regulations 2011.

(2) These Regulations come into operation on 1 January 2012.

**Definitions**

2. (1) In these Regulations -

“Act of 1980” means Fisheries Act 1980 (No. 1 of 1980);

“Act of 1994” means Fisheries (Amendment) Act 1994 (No. 23 of 1994);

“Act of 2010” means Inland Fisheries Act 2010 (No. 10 of 2010);

“angling season” 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 57 of the Act of 2010;

“authorised agent” means an authorised agent (within the meaning of section 70(1) of the Principal Act) of IFI;

“blue tag” 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 of IFI;

“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 Inland Fisheries Ireland 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;

“IFI” means Inland Fisheries Ireland;

“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 the Fisheries (Consolidation) Act 1959 (No. 14 of 1959);

“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 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 fishery district in which the fish is caught indicated on it,
- (d) bear the correct tag code and number as specified in the logbook to which the tag relates,
- (e) be in such a condition, that it is capable of being read, and
- (f) 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 a 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 or such person or person(s) nominated by him or her.

(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 or such person nominated by him or her.

(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 1 January 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 rivers which are open under Bye-laws made under section 57 of the Act of 2010.

(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 in any of the rivers referred to in paragraph (2), 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 and rivers for the purposes of paragraph (1) are -

- (a) from 1 January to 30 September, in respect of a river mentioned in column (2) of Part 1 of Schedule 4 that opens on or after 1 January in accordance with Bye-laws made under section 57 of the Act of 2010,
- (b) from 12 May to 30 September, in respect of a river mentioned in column (2) of Part 2 of Schedule 4 and
- (c) from 15 August to 30 September in respect of a river mentioned in column (2) of Part 3 of Schedule 4.

(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 or such person or person(s) nominated by him or her.

(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 or such person or persons nominated by him or her shall issue a notice to distributors in respect of the issue of brown tags for a river mentioned in Schedule 4.

(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 or such person or persons nominated by him or her decides. The notice shall be published in such manner as the CEO or such person or person(s) nominated by him or her decides.

### **Restrictions on issue to distributors of brown tags**

8. (1) Subject to this Regulation, the CEO or such person or persons nominated by him or her 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.

(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 or such person or persons nominated by him or her 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 or such person or persons nominated by him or her 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.

(5) The CEO or such person or persons nominated by him or her 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 in being 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) such persons as the CEO of IFI or such other Officer of IFI nominated by the CEO considers appropriate and who are representative of commercial fishermen, salmon rod anglers and rated occupiers in the fishery district of the committee and who in total number not more than 8, and
- (b) a representative of An Bord Iascaigh Mhara nominated by it,

appointed annually for a period of 12 months by IFI.

### **Total allowable catch - fishing licences**

10. (1) Subject to paragraph (2), the CEO or such person or persons nominated by him or her, after consultation with the fishery district committee concerned, shall decide the allocation of the total allowable catch applicable to a river between the holders of commercial fishing licences and rod and line fishing licences, as he or she sees fit.

(2) The CEO or such person or persons nominated by him or her in deciding the allocation of a total allowable catch under paragraph (1) shall give the Minister 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 or such person or persons nominated by him or her 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 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 or such person or persons nominated by him or her 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 or such person or persons nominated by him or her 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 or such person or persons nominated by him or her 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 or such person or persons nominated by him or her such number of tags contained in the request,

to an authorised officer.

(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 or such person or persons nominated by him or her decides.

(7) Where the CEO or such person or persons nominated by him or her 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.

(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 IFI on landing, or
- (c) the person does not surrender the fish to an authorised officer of IFI, they may be seized.

### **Performance of CEO's functions by other persons**

13. The CEO may perform any of his or her functions under these Regulations through or by any of IFI's officers or employees or any other person duly authorised by IFI in that behalf.

### **Log cards**

14. (1) The CEO or such person or persons nominated by him or her may require distributors 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 IFI.

(3) The CEO or such person or persons nominated by him or her may require a holder of salmon rod ordinary licence fishing in a fishery district 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 or such person or persons nominated by him or her 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 district concerned.

(5) In this Regulation “fish capture card” means a card issued by and addressed to IFI (whether pre-paid or not) under paragraph (1).

### **Logbooks**

15. (1) IFI 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 IFI 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 immediately upon the capture and tagging under these Regulations, 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 or such person or persons nominated by him or her, at the principal offices of IFI, not later than 29 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 or such person or persons nominated by him or her at the principal offices of IFI, 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 IFI 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 IFI no later than 31 October each year or such other day as may be specified from time to time by IFI.

(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 tag removals register in respect of the tag and the fish and shall deliver all such tags, records and registers to the relevant office of IFI on the first Tuesday in December of each year and on any other day that may be specified from time to time by IFI.

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

- (a) notify IFI before the fish is imported,
- (b) attach to the fish, within a period which may be specified from time to time by IFI, a tail tag issued to him or her under these Regulations by IFI 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 IFI where IFI 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 IFI, 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 78(3) of the Act of 2010 applies to an offence under section 69(6) of the Act of 2010 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 2011 (S.I. No. 326 of 2011) are revoked.**

## Schedule 1

Regulation 3

### 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. IFI code

IFI = Inland Fisheries Ireland

#### 4. Fishery District codes

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

District (WD = Waterford, LE = Lismore)

District (CK = Cork, KY = Kerry)

District (LK = Limerick)

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

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

District (BN = Ballyshannon, LY = Letterkenny)

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.

8. **Other optional details**

The words “Inland Fisheries Ireland” and/or a bar code may be printed on the tag.

**Example**

For example, a draft net caught fish recorded in the Ballina district in the year 2011 should be identifiable from its tag as follows:

Tag colour green, code IFIWBR11XX and number between 1 and the maximum.

## Schedule 2

Regulations 10 and 11

### Rivers

#### Total Allowable Catch

Fishery district  (1)	Waters of the River  (2)	Proposed maximum number of tags that may be issued in respect of taking wild salmon or sea trout from river  [*When the analysis of scientific advice is completed in w/c 14 November 2011].  (3)
Dublin	Dargle	0 closed
	Liffey	0 closed
	Vartry	0 closed
Wexford	Slaney	0 closed until 11 May & catch and release thereafter
	Avoca	0 closed
	Owenavorrhagh	0 closed
Waterford	Barrow and Pollmounty	0 closed
	Nore	4,816*
	Suir including Clodiagh, Lingaun, and Waterford Blackwater	1,975*
	Colligan	118* catch and release
	Corock R	0 catch and release
	Owenduff	0 closed
	Mahon	0 closed
	Tay	0 closed

Lismore	Blackwater (Munster) including Glenshelane and Finisk	3,455*
	Bride	0 catch and release
	Lickey	0 closed
	Tourig	0 closed
	Womanagh	0 closed
Cork	Owenacurra	0 catch and release
	Lower Lee	2,369*
	Bandon	593* catch and release from 15 Feb to 11 May
	Ilen	349*
	Mealagh	176*
	Coomhola	126*
	Upper Lee	0 closed
	Glengarriff	67* catch and release
	Argideen	0 catch and release
	Owvane	343*
	Adrigole	29* catch and release
Kerry	Roughty	800*
	Blackwater (Kerry)	79*
	Sneem	742*
	Waterville	637*
	Caragh }	
	Laune including (Cottoners) }	

Maine }	
Castlemaine Harbour <sup>1</sup>	6,108*
Behy	0 catch and release
Emlagh	0 closed
Owenmore R.	205*
Croanshagh (Glanmore R. and Lake)	76*
Sheen	0 catch and release
Inny	725*
Kealincha	19* catch and release
Lough Fada	14* catch and release
Owenshagh	0 closed
Cloonee	0 closed
Finnihy	0 closed
Owenreagh	0 closed
Emlaghmore	0 closed
Carhan	0 closed
Ferta	76*
Owenascaul	0 catch and release
Milltown	0 catch and release
Feohanagh	0 catch and release
Lee	0 closed

<sup>1</sup> If draft netting in the common estuary is allowed, the quotas for the Caragh, Laune and Maine have to be fixed for the common estuary and this quota is lower than a combination of the three individual river quotas because it is a mixed stock fishery and the lower amount is necessary to ensure meeting the 75% target.

Limerick	Feale including Galey and Brick	3,749*
	Mulkear	1,304*
	Maigne	0 closed
	Shannon River	0 closed
	Fergus	0 closed
	Deel	0 closed
	Owenagarney	0 closed
	Doonbeg	0 closed
	Skivaleen	0 closed
	Annageeragh	0 closed
	Inagh	0 closed
	Aughyvackeen	0 closed
Galway	Corrib	5,186*
	Aille (Galway)	0 closed
	Kilcolgan	0 closed
	Clarinbridge	0 closed
	Knock	0 closed
	Owenboliska R (Spiddal)	0 closed
Connemara	Cashla	573*
	Screebe	0 catch and release
	Ballynahinch	1,557*
	L. Na Furnace	12* catch and release
Ballinakill	Erriff }	
	Bundorragha }	

	Common estuary <sup>2</sup>	738*
	Owenglin (Clifden)	528*
	Dawros	709*
	Culfin	289*
	Carrownisky	0 catch and release
	Bunowen	0 catch and release
	Owenwee (Belclare)	0 catch and release
Bangor	Srahmore (Burrishoole)	0 closed until 2 June and catch and release thereafter
	Owenduff (Glenamong) }	
	Owenmore R. }	
	Common estuary <sup>3</sup>	3,367*
	Newport R. (Lough Beltra)	492* catch and release to 11 May
	Glenamoy	0 catch and release
	Owengarve R	0 closed
	Muingnabo	0 closed
Ballina	Moy	27,773*
	Easkey	1,272*
	Cloonaghmore (Palmerstown)	0 closed
	Ballinglen	0 closed

<sup>2</sup> 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.

<sup>3</sup> 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.



	Brusna	0 closed
	Leaffony	0 closed
Sligo	Ballysadare	4,485*
	Drumcliff	143*
	Garvogue (R Bonet and L Gill)	0 catch and release
	Grange	0 closed
Ballyshannon	Duff	317*
	Drowes	2,013*
	Eany	653* catch and release
	Glen	506*
	Erne	0 closed
	Eske	260*
	Abbey	0 closed
	Ballintra (Murvagh R)	0 closed
	Laghy	0 closed
	Oily	0 catch and release
	Bungosteen	0 catch and release
	Owenwee (Yellow R)	0 catch and release
Letterkenny	Owenea/Owentocker	1,315*
	Gweebarra	889*
	Clady	0 closed
	Tullaghobegly	9* catch and release
	Crana	458*
	Gweedore (Crolly R)	351* catch and release

	Ray	0 catch and release
	Lackagh	0 closed
	Leannan	0 closed
	Bracky	0 closed
	Owenamarve	0 closed
	Glenna	0 closed
	Swilly	0 closed
	Isle (Burn)	0 closed
	Mill	0 closed
	Clonmany	0 closed
	Straid	0 closed
	Donagh	0 closed
	Glenagannon	0 catch and release
	Culoort	0 closed
Drogheda	Boyne	0 catch and release
Dundalk	Castletown	60* catch and release
	Fane	816*
	Glyde	0 closed
	Dee	0 catch and release
	Flurry	0 closed

## Schedule 3

Regulation 5

### 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. **IFI code**

IFI = Inland Fisheries Ireland

#### 3. **Number**

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

#### 4. **Other optional details**

The words “Inland Fisheries Ireland” and/or a bar code may be printed on the tag.

#### **Example**

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

Code “Inland Fisheries Ireland E3”.

## Schedule 4

Regulations 5, 7 and 8

### Fishery districts and rivers to which brown tags apply

#### PART 1

<b>Fishery District</b> <b>(1)</b>	<b>River</b> <b>(2)</b>	<b>Designated Code</b> <b>(3)</b>
Kerry	Inny	E3
Sligo	Drumcliff and Glencar Lake	F3
Ballyshannon	Eske	G3

#### PART 2

<b>Fishery District</b> <b>(1)</b>	<b>River</b> <b>(2)</b>	<b>Designated Code</b> <b>(3)</b>
Cork	Bandon	I3

#### PART 3

<b>Fishery District</b> <b>(1)</b>	<b>River</b> <b>(2)</b>	<b>Designated Code</b> <b>(3)</b>
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**Schedule 5**

Regulation 15

**Logbooks**

**PART 1**

**Salmon and Sea Trout Commercial Fishing Logbook**

Issuing Office: \_\_\_\_\_

Log Book Number: \_\_\_\_\_

Year: \_\_\_\_\_

Details of Commercial Licence Holder

Licence holder

Surname: \_\_\_\_\_

Given Names: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Licence holder's 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

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

Record of Gill Tags Lost

\*See note

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

\*Gill tags which are lost or accidentally destroyed, may be replaced by the CEO of IFI, or such person or person(s) nominated by him/her 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

Date of declaration	Number of returned tags	Codes and numbers of returned tags	Certifying officer's name & initials

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

Inland Fisheries Ireland

Salmon and Sea Trout Angler's Logbook

Year: \_\_\_\_\_

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

--

Record of Tags

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

You must return all logbooks and all unused carcass tags to your local IFI office. 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 (tick box)		Weight lbs/kgs (delete as appropriate)	Lure	Tag Code and Number (enter R if fish released)	For official use only
				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) \_\_\_\_\_.

**Schedule 6**

Regulation 19(1)

**Tags Issues Register**

Serial No. TG: \_\_\_\_\_ to TG \_\_\_\_\_

Year: \_\_\_\_\_

River Basin District: \_\_\_\_\_

Issuing regional board or authorised agent: \_\_\_\_\_

Agent Code \_\_\_\_\_

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

**Schedule 7**

Regulation 20(1)

**Tags Removals Register**

Serial No. TR: \_\_\_\_\_ to \_\_\_\_\_

Year: \_\_\_\_\_

Dealer Licence Number: \_\_\_\_\_

Dealer Name: \_\_\_\_\_

Dealer Address: \_\_\_\_\_

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

## **Schedule 8**

Regulation 20(2) and (3)

### **Tail Tag**

#### **1. Physical description of a tail tag:**

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. IFI Code:**

IFI = Inland Fisheries Ireland

#### **3. River Basin District Codes:**

E = Eastern River Basin District

SE = South Eastern River Basin District

SW = South Western River Basin District

SH = Shannon River Basin District

W = Western River Basin District

NW = North Western River Basin District

#### **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.

**7. Other optional details:**

The words “Inland Fisheries Ireland” and/or bar code may be printed on the tag.

Example:

For example, an imported fish recorded in the year 2011 should be identifiable from its tag as follows:

Tag colour yellow, code “Inland Fisheries Ireland IFISH11XX” and number between 1 and the maximum.

**Schedule 9**

Regulation 20(2)(c)

**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 IFI	Number of fish imported and tagged	Codes and numbers of tail tags affixed to fish

GIVEN under my official seal,

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)*

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