



STATUTORY INSTRUMENTS.

S.I. No. 412 of 2009

SEA-FISHERIES (CONTROL ON FISHING FOR CLAMS IN
WATERFORD ESTUARY) REGULATIONS 2009

(Prn. A9/1429)

SEA-FISHERIES (CONTROL ON FISHING FOR CLAMS IN WATERFORD ESTUARY) REGULATIONS 2009

I, TONY KILLEEN, Minister of State at the Department of Agriculture, Fisheries and Food, in exercise of the powers conferred on me by sections 3 and 15 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006), and the Sea-Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 705 of 2007)) and the Agriculture, Fisheries and Food (Delegation of Ministerial Functions) Order 2009 (S.I. No. 189 of 2009), hereby make the following regulations—

1. These Regulations may be cited as the Sea-fisheries (Control on fishing for clams in Waterford Estuary) Regulations 2009 and come into operation on 13 October 2009.

2. In these Regulations—

“clam” means *Spisula solida*;

“fishing week” means seven consecutive days commencing on a Tuesday.

3. These Regulations apply to that part of Waterford Estuary that lies within an imaginary line drawn from latitude 52 degrees 10 minutes 22 seconds North longitude 6 degrees 55 minutes 16 seconds West, through latitude 52 degrees 10 minutes 22 seconds North longitude 6 degrees 54 minutes 5 seconds West, through latitude 52 degrees 9 minutes 37 seconds North longitude 6 degrees 55 minutes 16 seconds West, through latitude 52 degrees 9 minutes 37 seconds North longitude 6 degrees 54 minutes 5 seconds West and terminating at latitude 52 degrees 10 minutes 22 seconds North longitude 6 degrees 55 minutes 16 seconds West.

4. (1) A person shall not fish for, land, tranship or have on board clams—

- (a) on more than 5 days in any fishing week during the period commencing on 13 October 2009 and ending on 1 December 2009,
- (b) other than between the hours of 7.00 and 13.00 hours, and
- (c) unless he or she has given 48 hours prior notice of his or her intention to fish and the days during which he or she intends to fish to a sea-fisheries protection officer in Dunmore East by Fax (051) 383045 or by phone (051) 383135.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th October, 2009.

(2) A person shall not land or tranship more than 2 tonnes of clams on any day.

(3) A person shall not fish for, land or tranship clams other than at Dunmore East fishery harbour centre.

(4) A person shall commence landing clams on any day no later than one hour after he or she has finished fishing.

(5) A person shall not have in his or her possession or under his or her control, buy, handle, weigh, transport, process, store, document or sell clams caught, landed or transhipped in contravention of this Regulation.

5. (1) A person shall not have more than one dredge on board a sea-fishing boat.

(2) The dredge referred to in paragraph (1) must have a maximum dredge blade of width no greater than 1.10 metres, with a bar spacing of not less than 13 millimetres.

(3) A person shall not retain on board a sea-fishing boat or land clams with a shell length of less than 25 millimetres measured along the longest part of the shell but shall immediately return them to the sea where they were taken.

(4) A person shall not have in his or her possession or under his or her control, buy, handle, weigh, transport, process, store, document or sell clams with a shell length of less than 25 millimetres measured along the longest part of the shell.

6. (1) The master of a sea-fishing boat used to fish in the area shall accurately maintain a BIM Fishing Activity Record Book in respect of each voyage and send it to the address stated on the book within 48 hours of the end of a fishing week.

(2) This Regulation is in addition to and not in substitution for the Sea-Fisheries (Recording of catches) Regulations 2009 (S.I. No. 253 of 2009).

7. A person shall not contravene Regulations 4, 5 or 6.

GIVEN under my hand,
12 October 2009.

TONY KILLEEN,
Minister of State at the Department of Agriculture, Fisheries
and Food.

EXPLANATORY NOTE

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

The effect of these Regulations is to open the surf clam Fishery in Waterford Estuary and put in place controls on the fishery such as minimum size of clams to be fished, opening hours and maximum daily amount to be fished per vessel. These Regulations come into effect from 13 October 2009.

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