



STATUTORY INSTRUMENTS

S.I. No. 531 of 2007

COCKLE (FISHERIES MANAGEMENT AND CONSERVATION)
(WATERFORD ESTUARY) REGULATIONS 2007

(Prn. A7/1449)

COCKLE (FISHERIES MANAGEMENT AND CONSERVATION)
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I, EAMON RYAN, Minister for Communications, Marine and Natural Resources, in exercise of the powers conferred on me by section 15 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006), hereby make the following regulations—

1. These Regulations may be cited as the Cockle (Fisheries Management and Conservation) (Waterford Estuary) Regulations 2007.
2. These Regulations come into operation on 21 July 2007.
3. In these Regulations—

“cockle” means *Cerastoderma edule*;

“cockle suction dredge” means any appliance with a rigid framed mouth that is towed through the water, is manufactured, adapted, used or intended to be used for the purpose of fishing for cockles, and that uses a water suction pump to transport cockles from the cockle dredge to the vessel during fishing operations;

“cockle non-suction dredge” means any appliance with a rigid framed mouth that is towed through the water, is manufactured, adapted, used or intended to be used for the purpose of fishing for cockles, and that does not use a water suction pump to transport cockles from the cockle dredge to the vessel during fishing operations;

“dredge width” means the internal width of the front of the rigid framed mouth of a cockle suction dredge or a cockle non-suction dredge;

“fishing period” means 04.00 hours to 21.00 hours on the same day;

“gradation” means the process whereby the dimensions of a cockle shell are established;

“maximum width” means the maximum measure on the smallest dimension of a cockle shell;

“specified period” means from 21 July to 15 January the following year;

“specified sub-areas” means waters within the Waterford Estuary defined as follows—

- (a) within the geographical area bounded by the following co-ordinates—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th July, 2007.*

- a point on the west coast of the Waterford Estuary at latitude 52° 14' 19.20" N, longitude 06° 58' 14.76" W,
- latitude 52° 14' 18.48" N, longitude 06° 57' 32.61" W,
- latitude 52° 13' 34.09" N, longitude 06° 57' 41.76" W,
- to a point on the west coast of the Waterford Estuary at latitude 52° 13' 34.54" N, 06° 58' 07.96" W, and

(b) within the geographical area bounded by the following co-ordinates:

- a point on the west coast of the Waterford Estuary at latitude 52° 13' 10.79" N, 06° 58' 22.18" W,
- latitude 52° 13' 10.16" N, longitude 06° 57' 46.72" W,
- latitude 52° 11' 06.48" N, longitude 06° 58' 12.39" W, to
- a point on the west coast of the Waterford Estuary at latitude 52° 11' 06.72" N, 06° 58' 26.87" W.

“under-sized cockles” means cockles that are less than 17mm maximum width;

“Waterford Estuary” means waters—

in the Waterford Estuary up to the high water mark north of a straight line drawn between the following points—

- (i) from Dunmore East on the west side of the Waterford Estuary latitude 52° 09' 13"N, longitude 06° 59' 40"W,
- (ii) to Hook Head on the east side of the Waterford Estuary, latitude 52° 07' 25"N, longitude 06° 56' 14"W,

in the county of Waterford;

4. (1) Subject to paragraph (2), an Irish sea-fishing boat, or a person on board such a boat, shall not fish for cockles in the Waterford Estuary, nor land, tranship, have or retain on board cockles taken in that estuary.

(2) Subject to paragraph (3), an Irish sea-fishing boat, or a person on board such a boat, may, during the specified period, fish for cockles in the specified sub-areas, or have or retain on board or land cockles taken in those sub-areas.

(3) During the specified period an Irish sea-fishing boat, or a person on board such a boat, shall not fish for cockles in the specified sub-areas, or have or retain on board or land cockles taken in those sub-areas—

- (a) outside of a fishing period, or

(b) during the period beginning at 21:00 hours on any day and ending at 04:00 hours on the following day.

5. (1) An Irish sea-fishing boat, or a person on board such a boat, shall not have or retain on board or land amounts of cockles greater than that determined by a cockle fishery management notice (“notice”) taken in the specified sub-areas or a part of them, between 04:00 hours and 21:00 hours on any day during the specified period.

(2) A notice, specifying the date and time of its issue and the date from which it comes into force, not being a day earlier than the day after its first publication, shall be published, in such manner as the Minister considers appropriate and expedient in the circumstances (including electronic means, whether by electronic-mail, facsimile, the internet, or otherwise, or by publication in a newspaper published and circulating in the area to which it relates or to organisations the Minister considers representative of the interests of persons engaged in cockle fishing).

(3) Without prejudice to paragraph (2), notice of the publication of a notice shall be made by publishing the notice or notice of publication in the *Iris Oifigiúil*.

(4) A copy of the *Iris Oifigiúil* purporting to contain a notice may be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the notice.

(5) A copy of a notice, which has endorsed on it a certificate purporting to be signed by an officer of the Department (authorised in that behalf by the Secretary General) stating that the copy is a true copy of the notice may, without proof of signature of that officer, be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the notice.

6. (1) An Irish sea-fishing boat or a person on board the boat shall not retain on board other than for gradation purposes or land under-sized cockles.

(2) It is prohibited to return to the water an under-size cockle in an area other than the specified sub-area from where it was taken.

7. An Irish sea-fishing boat, or a person on board such a boat, shall not have or retain on board—

(a) a cockle suction dredge with a dredge width greater than 0.76 metres, or

(b) a cockle non-suction dredge with a dredge width greater than 1.0 metres.

8. The master of an Irish sea-fishing boat fishing for cockles in the specified sub-areas shall—

- (a) complete a daily record of fishing activity undertaken by the boat in the Waterford Estuary for every fishing period in a record book issued in respect of the boat by the Minister, and
- (b) send the book to the address stated on it within 3 days of the end of the relevant fishing period.



GIVEN under my Official Seal,
20 July 2007

EAMON RYAN.
Minister for Communications, Marine and Natural Resources.

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 restrict the fishing of cockles by Irish sea-fishing boats in the Waterford Estuary. These Regulations come into effect from 21st July 2007.

These Regulations implement the following restrictions—

- Irish sea-fishing boats may only fish for cockles in the specified sub-areas during the period from 01:00 hours on 21st July to 23.59 hours on 15th January the following year.
- During this period, such boats may only fish for cockles in the specified sub-areas between 04:00 hours and 21:00 hours of every day.
- Irish sea-fishing boats may only catch amounts of cockles each day as determined by Fisheries Management Notices.
- Irish sea-fishing boats may not catch or land a cockle that is smaller than 17mm in width.
- Cockles under 17mm must be returned to the water in the specific area in which they were taken from the water.
- Irish sea-fishing boats may not use a cockle suction dredge with a dredge width greater than 0.76 metres, or a cockle non-suction dredge with a dredge width greater than 1.0 metres.

These Regulations also make it mandatory for masters, or persons nominated on their behalf, of Irish sea-fishing boats fishing for cockles in Waterford Estuary to—

- complete and submit information regarding fishing activity and landings by use of a Waterford Estuary Fishing Activity Record Book and
- to submit this document to the relevant authority within 3 days of the end of every Saturday through Friday fishing period.

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