

T9/291
No. 25

Roinn na Mara
(Department of the Marine)

Fisheries (Consolidation) Act, 1959

Fish Culture Licence

The Minister for the Marine (hereinafter referred to as "the Minister"), in the exercise of the powers conferred on him by Section 15 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977), (as adapted by the Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987), hereby authorises, subject to the conditions set out in the Schedule to this licence, Delphi Estate & Fishery, Leenane, Co. Galway (hereinafter referred to as "the Licensee"):

1. To carry on at or in connection with the fish farm situate in the townland of Tawnyinlough, Barony of Murrisk, Co. Mayo the plans of which have been submitted to and approved by the Minister, all necessary operations in relation to the culture of salmon and trout.
2. To purchase, have in possession and sell live salmon, salmon smolts and trout and the ova fry and fingerlings thereof the acquisition of which has been approved by the Minister.
3. To capture and have in possession within the confines of the said fish farm live salmon, salmon smolts and trout and the ova, fry or fingerlings thereof at any time of the year.
4. For the management of the said fish farm to have in possession and use nets, traps, or such engines as may be approved from time to time by the Minister.

SCHEDULE

Conditions subject to which this licence is granted

- 1 This licence shall remain in force for a period of ten years from the date hereof except as hereinafter provided.
2. No fish other than salmon and trout shall be bred and handled at the said fish farm.
3. The Licensee shall comply with such instructions as the Minister may issue from time to time for the control of all fish culture activities concerned in the operation of the fish farm.
4. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the river or other source and also at a point as near as possible to the confluence of the fish farm waste channel and the river as will effectually prevent the admission of migratory fish into the fish farm feed channels, the fish farm water waste channels and other water courses and ponds of the fish farm, and shall make adequate arrangements to ensure the safe passage past the farm of migratory fish, and shall make all necessary provisions to prevent the escape of fish from the ponds and water courses of the farm and shall carry out any such instructions issued in this connection from time to time by the Minister.
5. Abstraction of water shall be so regulated that sufficient water will be maintained at all times in the natural water courses adjoining the fish farm to ensure the free passage of migratory fish past the fish farm. The licensee shall comply with any directions issued in that connection by the Minister from time to time.

6. The biomass of fish held at the farm shall not exceed such quantity as may be specified by the Minister from time to time and will not in any event exceed a combined total of three (3) tonnes of salmon and trout.
7. Records shall be kept at the said fish farm of all fish stripped, bred, held and handled at the said fish farm and of all sales of fish from it and such records shall be available for inspection at all reasonable times by any inspector appointed for the purpose of Part X of the Fisheries (Consolidation) Act, 1959.
8. The Licensee shall furnish to the Secretary, Department of the Marine (Aquaculture Section) Leeson Lane, Dublin 2 such returns from the records kept at the said fish farm as may be required from time to time by the Minister.
9. Live salmon, salmon smolts and trout and the ova, fry or fingerlings thereof shall not be sold or disposed of to any person or in any way transferred outside the said fish farm save in accordance with the written permission of the Minister.
10. The said fish farm and all premises used in connection with operations carried on at the said fish farm shall be open to inspection at any time by any authorised officer within the meaning of the Fisheries Acts.
11. The Licensee shall carry out such water quality monitoring and provide such data relating to such monitoring as may be requested from time to time by the Secretary, Department of the Marine at the above address.
12. The Licensee shall notify the Secretary, Department of the Marine at the above address within forty-eight hours of the appearance or suspected appearance of any disease at the said fish farm or abnormal losses or mortalities and shall send samples to the Fish

Pathology Unit, Abbotstown, Castleknock, Co. Dublin, in a prescribed manner as and when requested to do so and shall comply with any directions as to the treatment, disposal or destruction of stocks of fish at the said fish farm in the interests of safeguarding the stocks of fish in the State.

13. The Licensee shall make arrangements for the provision of a lime pit for the disposal of dead fish. All dead fish shall be disposed of in a manner approved by the Minister and acceptable to the Local Authority.
14. The Licensee shall make adequate arrangements for the hygienic operation of the said fish farm (including selection and preparation of food, treatment and disposal of effluent) and in that connection shall comply with any directions which may be issued from time to time by the Minister.
15. All chemicals and antibiotics used in the fishery shall be used in accordance with instructions issued by the Minister from time to time.
16. The Licensee shall keep records of all drugs (including antibiotics), chemicals and disinfectants with which the fish have been treated, including quantities and times of use.
17. The Licensee shall notify the Secretary, Department of the Marine, (Aquaculture Section) at the above address within twenty-four hours of any escapes of fish from the fishery and shall keep records of fish escaped, including types and year classes and shall make these records available to the Secretary on request.
18. Such precautions shall be taken as the Minister may specify from time to time, in relation to (a) movement of salmon and trout, salmon smolts, and ova, fry or fingerlings thereof for stocking the farm, including disease free certification, in appropriate terms, and (b) the adaptation of methods of operation or type of installation (e.g. use of concrete ponds).

19. The Licensee shall fit adequate anti-predator netting on fish farm structures so as to prevent predation and the possible spreading of disease by predators and shall comply with any directions which may be issued by the Minister from time to time in that regard.
20. The Licensee shall indemnify and keep indemnified the State, the Minister, their officers, servants or agents against actions, loss, claims, damages, costs, expenses and demands arising in any manner whatsoever in connection with the construction, maintenance or use of any aquaculture structures, apparatus or equipment in the exercise of rights granted under this licence.
21. In the event of neglect or abandonment of the fish farm, the Minister shall take such action as he thinks fit to dispose of the fish including revocation of licence.
22. The Minister shall be at liberty at any time to revoke or amend this licence if he considers that it is in the public interest to do so or if he is satisfied that there has been a breach of any condition specified in the licence. Any such revocation or amendment shall be subject to the provisions of Section 15 of the Fisheries (Consolidation) Act, 1959.
23. This licence is valid only so long as the layout of the fish farm conforms to the plans duly approved in Paragraph 1 of this licence and so long as the licence granted by Mayo County Council to discharge effluent from the fish farm remains valid.
24. This licence may be amended or revoked as provided by Section 15 of the Fisheries (Consolidation) Act, 1959.
25. This licence is not to be construed as authorising the Licensee in any way to interfere with or infringe the rights of any other person.

Dated this 12th day of November, 1993
For the Minister for the Marine

D. W. J. J. J.

L.S.

An Officer of the Department of the Marine
duly authorised in that behalf.