

## **Salmon Watch Ireland awarded costs in case against South Western Regional Fisheries**

*Friday 20th March 2009*

The following statement was issued today by the board of Salmon Watch Ireland:

“On Wednesday 11th March the substantive case in an injunction taken against the South Western Regional Fisheries Board by Salmon Watch Ireland and the Kerry Angling Federation to prevent draft net fishing for salmon in Castlemaine Harbour, Co Kerry was heard in the High Court before Mr Justice Hedigan. Interim and interlocutory injunctions had been granted in these proceedings by the High Court in May and June 2007 preventing draft netting in Castlemaine Harbour.

On the first day of the hearing, Mr Justice Hedigan stated that the relief being sought had been superseded by a ministerial bye-law in August 2008, which prohibited draft netting for salmon in the common estuary of Castlemaine Harbour. It was the agreed position of counsel for both parties to the case that no draft netting could be authorised in Castlemaine Harbour unless specifically permitted by the Minister for Communications, Marine, and Natural Resources by way of Statutory Instrument or Bye-Law. The Judge felt the case was moot since August 2008 and adjourned it overnight to deal with the issue of costs.

On Thursday March 12th the Judge stated that it had been open to the parties to apply to court to determine the issue of costs. He stated his view that the applicants had been compelled to seek to bring judicial review proceedings and to obtain the interim and interlocutory injunctions against the South Western Regional Fisheries Board. The Learned Judge awarded costs to Salmon Watch Ireland and the Kerry Angling Federation up to 1st August 2008 when Bye-Law 844/2008 came into effect. He granted a stay of 21 days on the costs order.

The Kerry Angling Federation and the Board of Salmon Watch Ireland are very pleased with the ruling of the court and hope that this will mark a new start for all concerned with the conservation of salmon.

The Kerry Angling Federation and the Board of Salmon Watch Ireland would like to thank their legal team, instructing Solicitor, Dan O'Connor of Terence F. Casey & Company Killarney, Peadar O'Maoláin, B.L., and Éanna Mulloy, S.C."