



IRIS OIFISIÚIL

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ÓGLAIGH NA hÉIREANN

Ag gníomhú di ar chomhairle an Rialtais, tá an tUachtarán tar éis glacadh, le héifeacht ón 2 Aibreán, 2002, leis an tairiscint éirí as a gcoimisiún mar oifigeach de na hÓglaigh Cúltaca a rinne

An Leifteanant (Slua Muirí) Eoin Ó Tiobraide
(Lieutenant (Slua Muirí) Eugene Joseph Mary Tubridy)

D. MacCÁRTHAIGH,
Ard-Rúnaí an Rialtais

BAILE ÁTHA CLIATH,
An 5ú lá seo d'Aibreán, 2002.

[1]

ÓGLAIGH NA hÉIREANN

Ag gníomhú di ar chomhairle an Rialtais, tá an tUachtarán tar éis glacadh, le héifeacht ón 8 Aibreán, 2002, leis an tairiscint éirí as a choimisiún mar oifigeach de na Buan-Óglaigh a rinne

An Fó-Leifteanant (Céim Chabhlaigh) Pól Andarsan
(Sub-Lieutenant (Naval Rank) Paul Raymond Anderson)

D. MacCÁRTHAIGH,
Ard-Rúnaí an Rialtais

BAILE ÁTHA CLIATH,
An 5ú lá seo d'Aibreán, 2002.

[2]

DEPARTMENT OF THE MARINE AND NATURAL
RESOURCES

FISHERIES ACTS, 1959-2000

SALMON AND TROUT CONSERVATION BYE-LAW
No. 782, 2002

I, FRANK FAHEY, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by section 9 (as amended by section 3 of the Fisheries (Amendment) Act, 1962 (No. 31 of 1962) and section 50 of the Fisheries Act, 1980 (No. 1 of 1980)), of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), and section 33 of the Fisheries (Amendment) Act, 1962, and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977), (as adapted by the Marine (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 301 of 1997)), hereby make the following bye-law:

1. (1) This Bye-law may be cited as the Salmon and Trout Conservation Bye-law No. 782, 2002.

(2) This Bye-law shall come into operation on the 22 March, 2002.

2. (1) In this Bye-law—

“draft net” means 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 trout;

“drift net” means a single sheet of netting attached to a floating head rope and a weighted ground rope, designed to drift freely at the surface of waters for the purpose of taking or fishing for, or attempting to take or to fish for, salmon or trout, to which net or ropes no weights or anchoring devices are attached which in any way hinder or prevent the free movement of the net in those waters;

“Eastern Fisheries Region” means the area mentioned at paragraphs (a), (b), (c), (d), (e), (f), and (g) of column 4 opposite reference number 1 in column 1 of the First Schedule to the Fisheries Regions Order, 1980 (S.I. No. 324 of 1980) (as amended by the Fishery Regions (Alteration of Boundaries) Order, 1994, (S.I. No. 208 of 1994) and the Eastern Fisheries Region (Alteration of Boundaries) Order, 1999 (S.I. No. 379 of 1999));

“monofilament” means a single filament of synthetic material having a diameter equal to or greater than 0.1 millimetres and which is strong enough to function alone as a yarn for the construction of nets without having to undergo any further processing;

“multistrand monofilament” means filaments of synthetic material, comprised of two or more monofilaments twisted together, where any single filament has a diameter equal to or greater than 0.1 millimetres;

“No. 1 or Dublin District” means the area mentioned at paragraphs (a) and (b) of column 4 opposite reference number 1 in column 1 of the Second Schedule to the Fisheries

(Consolidation) Act, 1959 (No. 14 of 1959) (as amended by paragraphs (a), (b) and (c) of column 3 opposite reference number 1 in column 1 of the Schedule of the Fisheries Districts (Alteration of Boundaries) Regulations, 1982 (S.I. No. 329 of 1982));

“other engine” means any fishing engine not being a drift net, a draft net, a snap net or a rod and line, capable of being used for the purpose of taking or fishing for, or attempting to take or to fish for, salmon or trout;

“sea trout” means the migratory form of *Salmo trutta*;

“snap net” means 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 trout;

“the tidal waters” means—

(a) all the waters of the River Shannon upstream of the mouth of that river as defined and marked out on 8 February 1864, by the Special Commissioners for Irish Fisheries appointed and acting under the Salmon Fishery (Ireland) Act, 1863, to the weir or dam known as the Corbally Mill Weir,

(b) all the waters of the River Liffey upstream of the common estuary of the Rivers Dodder and Liffey as defined and marked out on 3 March 1865, by the Special Commissioners for Irish Fisheries appointed and acting under the Salmon Fishery (Ireland) Act, 1863, to the weir on the River Liffey known as the Island Bridge Weir;

“the Waterford estuary” means all the waters of the Rivers Suir, Nore and Barrow upstream of the common mouth of those rivers as defined and marked out on 8 February 1864, by the Special Commissioners for Irish Fisheries appointed and acting under the Salmon Fishery (Ireland) Act, 1863—

(a) to the line drawn across the River Suir at and opposite to the most upstream part of the Coolnamuck weir,

(b) to Innistogue Bridge on the River Nore,

(c) to the lowest weir or dam used for navigation purposes on the River Barrow near St. Mullin’s in Co. Carlow.

(2) In this Bye-law a reference to a paragraph is to the paragraph of the Bye-law in which the reference occurs, unless it is indicated that reference to some other Bye-law is intended.

3. (1) Subject to paragraph (2) and notwithstanding anything contained in any Bye-law varying the weekly close time, it is hereby prohibited in any fishery district—

(a) to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net, or to aid or assist in such taking, fishing, or attempting, during the period commencing at 6 o’clock a.m. on any Friday and ending at 6 o’clock a.m. on the next following Saturday, and

(b) to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net, or to aid or assist in such taking, fishing, or attempting, between—

(i) 9 o'clock p.m. on any Monday, Tuesday or Wednesday, and 4 o'clock a.m. on the next following Tuesday, Wednesday or Thursday, respectively, and

(ii) 9 o'clock p.m. on any Thursday and 6 o'clock a.m. on the next following Friday.

(2) Paragraph (1)(b), in so far as it applies to taking or fishing for, or attempting to take or to fish for, salmon or trout with a drift net, or aiding or assisting in such taking, fishing or attempting, shall not apply in—

(a) the tidal waters, or

(b) that part of the No. 1 or Dublin District outside the tidal waters on or after 30 June 2002.

(3) It is hereby prohibited, in that part of the No. 1 or Dublin District outside of the tidal waters, to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net, or to aid or assist in such taking, fishing or attempting between 6 o'clock a.m. and 9 o'clock p.m. on any Monday, Tuesday, Wednesday or Thursday on or after 30 June 2002.

4. (1) Subject to paragraph (2) and notwithstanding anything contained in any Bye-law varying the weekly close time, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a draft net, snap net or other engine, or to aid or assist in such taking, fishing, or attempting, in any fishery district during the period commencing at 6 o'clock a.m. on any Monday and ending at 6 o'clock a.m. on the next following Tuesday.

(2) Paragraph (1) in so far as it applies to taking or fishing for, or attempting to take or to fish for, salmon or trout with a snap net, or aiding or assisting in such taking, fishing, or attempting, shall not apply in the Waterford estuary during the period commencing on 12 June 2002 and ending on 14 August 2002.

5. (1) Subject to paragraphs (2), (3) and (4) and notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in any locality, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net, or to aid or assist in such taking, fishing, or attempting, in any fishery district, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 31 May 2002.

(2) Paragraph (1) of this bye-law shall not apply to any locality where the annual close season for salmon and trout ends on or after 31 May 2002.

(3) Paragraph (1), in so far as it applies to taking or fishing for, or attempting to take or to fish for, salmon or trout with a drift net, or aiding or assisting in such taking, fishing, or attempting, shall not apply in the tidal waters.

(4) Paragraph (1), in so far as it applies to taking or fishing for, or attempting to take or to fish for, sea trout with a drift net, or aiding or assisting in such taking, fishing, or attempting,

shall not apply in that part of the No. 1 or Dublin District outside of the tidal waters.

6. Notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in the tidal waters, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a drift net in the tidal waters, or to aid or assist in such taking, fishing, or attempting in the tidal waters, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 11 May 2002.

7. Notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in that part of the No. 1 or Dublin District which is outside of the tidal waters, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, sea trout with a drift net in the said part of the No. 1 or Dublin District, or to aid or assist in such taking, fishing, or attempting in the said part of the No. 1 or Dublin District, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 25 April 2002.

8. (1) Subject to paragraphs (2) and (3) and notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in any locality, it is hereby prohibited to take or to fish for, or to attempt to take or to fish for, salmon or trout with a draft net, snap net or other engine, or to aid or assist in such taking, fishing or attempting in any fishery district, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 11 May 2002.

(2) Paragraph (1) shall not apply to any locality where the annual close season for salmon and trout ends on or after 11 May 2002.

(3) Paragraph (1) in so far as it applies to taking or fishing for, or attempting to take or to fish for, sea trout with a draft net, or aiding or assisting in such taking, fishing, or attempting, shall not apply in that part of the No. 1 or Dublin District which is outside of the tidal waters.

9. Notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in that part of the No. 1 or Dublin District which is outside of the tidal waters, it is hereby prohibited, to take or to fish for, or to attempt to take or to fish for, sea trout with a draft net in the said part of the No. 1 or Dublin District, or to aid or assist in such taking, fishing, or attempting in the said part of the No. 1 or Dublin District, during the period commencing on the day immediately following the end of the annual close season for salmon and trout and ending on 25 April 2002.

10. Notwithstanding anything contained in any Bye-law fixing the annual close season for salmon and trout in any locality, it is hereby prohibited in any fishery district, to take or to fish for, or to attempt to take or to fish for, salmon or trout, or to aid or assist in such taking, fishing or attempting—

(a) in the case of drift nets other than drift nets in the tidal waters or drift nets in the No. 1 or Dublin District outside the tidal waters, during the period commencing on 1 August 2002 and ending on 31 May 2003,

(b) in the case of drift nets in the tidal waters, draft nets or other engines (other than draft nets or other engines in the Eastern Fisheries Region), during the period commencing on 1 August 2002 and ending on 11 May 2003,

(c) in the case of drift nets for the taking of the *salmo salar* species of salmon in that part of the No. 1 or Dublin District which is outside of the tidal waters, during the period commencing on 24 July 2002 and ending on 31 May 2003,

(d) in the case of drift nets for the taking of sea trout in that part of the No. 1 or Dublin District which is outside of the tidal waters, during the period commencing on 24 July 2002 and ending on 25 April 2003,

(e) in the case of draft nets or other engines in the Eastern Fisheries Region, during the period commencing on 13 August 2002 and ending on 11 May 2003.

(f) in the case of draft nets for sea trout in that part of the No. 1 or Dublin District which is outside of the tidal waters, during the period commencing on 13 August 2002 and ending on 25 April 2003, and

(g) in the case of snap nets, during the period commencing on 15 August 2002 and ending on 11 May 2003.

11. It is hereby prohibited—

(a) to have on board any boat,

(b) to have in or on any vehicle, or otherwise,

with the intention of taking or fishing for, or attempting to take or to fish for, salmon or trout, a drift net, draft net, snap net or other engine, in any fishery district, during the periods relevant to those nets or such engines specified in articles 5, 6, 7, 8, 9 and 10 of this Bye-law.

12. (1) Notwithstanding anything contained in any Bye-law regulating the net to be used in fishing for salmon or trout, it is hereby prohibited to use, or to attempt to use, in fishing for salmon or trout in any fishery district—

(a) a drift net in the tidal waters,

(b) a drift net in that part of the No. 1 or Dublin District outside the tidal waters on or after 30 June 2002, or

(c) a draft net, snap net or other engine,

made wholly or partly of monofilament or multistrand monofilament.

(2) It is hereby prohibited to have on board any boat, or to have in possession, for the capture of salmon or trout, on any quay on or adjacent to, or on or near any bank of, any waters in any fishery district, a draft net, snap net or other engine, mounted or otherwise prepared for use in fishing for salmon or trout, made wholly or partly of monofilament or multistrand monofilament.

(3) It is hereby prohibited to have on board any boat, or to have in possession, for the capture of salmon or trout, on any quay on or adjacent to, or on or near any bank—

(a) of the tidal waters, or

(b) in that part of the No. 1 or Dublin District outside the tidal waters on or after 30 June 2002,

a drift net, mounted or otherwise prepared for use in fishing for salmon or trout, made wholly or partly of monofilament or multistrand monofilament.

13. Where in any proceedings for an offence consisting of a contravention of Article 12(1) of this Bye-law, it is proved that the defendant was found using, or attempting to use, in fishing—

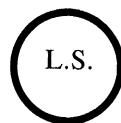
(a) a drift net in the tidal waters,

(b) a drift net in that part of the No. 1 or Dublin District outside the tidal waters on or after 30 June 2002,

(c) a draft net, snap net or other engine,

made wholly or partly of monofilament or multistrand monofilament, and a sea fisheries protection officer, authorised officer or authorised person states in evidence that he or she had reasonable grounds for believing that the said fishing was for salmon or trout, it shall be presumed until the contrary is proven, that the said fishing was for salmon or trout, as the case may be.

14. The Salmon and Trout Conservation Bye-law No. 778. 2001 is hereby revoked.



GIVEN under my Official Seal, 2002.

FRANK FAHEY,

Minister for the Marine and Natural Resources.

EXPLANATORY NOTE.

(This Note is not part of the Bye-law and does not purport to be a legal interpretation).

This Bye-law prescribes the opening and closing dates and the weekly close times etc. for commercial salmon and trout fishing.

The effect of this Bye-law on the individual fisheries is as follows:—

DRIFT NET FISHING

- The **opening date** (with the exception of the Shannon and Liffey tidal waters and sea trout fishing in the Dublin District outside the Liffey tidal waters) will be 1 June 2002.

- The **opening date** in the Shannon and Liffey tidal waters will be 12 May 2002 and sea trout fishing in the Dublin District outside the Liffey tidal waters will be 26 April 2002.
- The **closing date** will be 31 July 2002 with the exception of drift netting in the Dublin District outside the Liffey tidal waters where the closing date will be 24 July, 2002.

Fishing is not allowed between 6.00 a.m. on any Friday and 6.00 a.m. on the next following Monday.

- Fishing is **prohibited each night** between the hours of 9 p.m. and 4 a.m. the following morning on Monday, Tuesday and Wednesday nights and from 9 p.m. on Thursday night until 6 a.m. the next following Friday morning with the following exceptions:—

- (a) fishing in the Shannon and Liffey tidal waters where fishing is allowed on a 24-hour day basis,
- (b) fishing in that part of the Dublin District outside the tidal waters on or after 30 June, 2002 where **fishing is prohibited during day light hours** and may only take place at night between 9 p.m. and 4 a.m. the following morning on Monday, Tuesday and Wednesday nights and from 9 p.m. on Thursday night until 6 a.m. the next following Friday morning.

CLOSE SEASON

- The close season (with the exception of the Shannon and Liffey tidal waters and that part of the Dublin District outside the tidal waters) will be from 1 August, 2002 to 31 May, 2003.
- In the Shannon and Liffey tidal waters 1 August, 2002 to 11 May, 2003.
- IN that part of the Dublin District outside the Liffey tidal waters 24 July, 2002 to 25 April, 2003 in the case of sea trout fishing and from 24 July, 2002 to 31 May, 2003 in the case of the salmon species (*Salmo salar*).

DRAFT NET AND OTHER ENGINE FISHING

- The **opening date** will be **12 May, 2002** where the opening date would previously have been on or before 12 May (with the exception of draft netting for sea trout in the No. 1 or Dublin District outside of the tidal waters of the Liffey where the opening date will be 26 April, 2002).
- The **closing date** will be **31 July, 2002** except those districts within the Eastern Fisheries Region where the closing date will be **12 August, 2002**.
- Fishing is not allowed during the period commencing at 6 a.m. on any Saturday and ending at 6 a.m. on the next following Tuesday.
- Fishing is allowed on a 24 hour day basis during the open season outside the weekly close time.
- The **close season** will commence on **1 August, 2002**, and end on **11 May, 2003** (with the exception of those districts within the Eastern Fisheries Region where the closed season will commence on 13 August, 2002 and sea trout fishing in the Dublin district outside the Liffey tidal waters where the close season will end on 25 April, 2003).

SNAP NET FISHING

- **Opening date:** 12 May, 2002.
- **Closing date:** 14 August, 2002.
- Fishing is not allowed between 6 a.m. on any Friday and 6 a.m. on the next following Monday with the exception of the Waterford Estuary where fishing is allowed five days a week (Monday-Friday) from 12 June.
- The close season will commence on **15 August, 2002** and end on **11 May, 2003**.

GENERAL FOR ALL NETS AND ENGINES

The use of monofilament or multistrand monofilament material is not permitted in (a) drift nets in the tidal waters, (b) drift nets in the Dublin District outside the Liffey tidal waters on or after 30 June, 2002, (c) draft nets, snap nets or other engines.

The possession of any net or other engine for the purpose of fishing for salmon or trout is prohibited during the annual close season.

FOOTNOTE

Section 11 of the Fisheries (Consolidation) Act, 1959 as amended by Section 27 (b) of the Fisheries (Amendment) Act, 1999 provides that any person aggrieved by this Bye-law may within 28 days after its publication in the Iris Oifigiúil, appeal against same to the High Court.

[3]

IN THE MATTER OF
THE COMPANIES ACTS, 1963-2001
AND IN THE MATTER OF
CENSUS INVESTMENTS 7 plc
(In Voluntary Liquidation)

At an Extraordinary General Meeting of the Members of Census Investments 7 plc held on the 4th April, 2002 the following Special Resolution was passed:—

“That Census Investments 7 plc be wound up voluntarily as a Members’ Voluntary Winding-Up and that Ray King of Ray King & Associates, 5, Bridge Court, City Gate, St. Augustine Street, Dublin 8, be appointed Liquidator of the Company for the purpose of such winding up and that the Liquidator be authorised to distribute all or any part of the surplus assets of the Company in specie or otherwise as he may think fit among the Members of the Company”.

Dated 4th April, 2002.

RAY KING,
Liquidator.

[4]

IN THE MATTER OF
THE COMPANIES ACTS, 1963-2001
AND IN THE MATTER OF
GMT ENGINEERING SERVICES LIMITED

Notice is hereby given that at the Extraordinary General Meeting of Members of the said Company, duly convened and held at 30 Herbert Street, Dublin 2 on 11 February, 2002, the following Resolutions were passed in respect of the Company.

1. That the Company cannot by reason of its liabilities continue its business and that it is advisable to wind up same and that accordingly the Company be wound up voluntarily.
2. That Jim Luby of McStay Luby, Clancourt House, 12 Merrion Square, Dublin 2 be appointed as Liquidator of the Company for the purpose of such winding up.

JIM LUBY,
Liquidator.

12 February, 2002.

[6]

COMPANIES ACTS, 1963-2001

NOTICE OF APPOINTMENT OF RECEIVER
TULLY MOUNTAIN SALMON FARM LIMITED

Notice is hereby given that on the 27th day of March, 2002 Anglo Irish Bank Corporation plc, under powers conferred upon it by a debenture made between the above Company of the one part and Anglo Irish Bank Corporation plc of the other part, has appointed Paul Shelly of Ernst & Young, Kiltartan House, Foster Street, Galway to be Receiver and Manager of the assets of the above Company charged by the said debenture.

Dated this 4th day of April, 2002.

Matheson Ormsby Prentice,
Solicitors,
30 Herbert Street,
Dublin 2.

[5]

IN THE MATTER OF
THE COMPANIES ACTS, 1963-1990

AND IN THE MATTER OF

MILLENNIUM ARBITRAGE FUND PUBLIC LIMITED
COMPANY
(In Voluntary Liquidation)

At an Extraordinary General Meeting of the above mentioned Company duly convened and held at 2nd Floor, Russell House, Stokes Place, St. Stephen’s Green, Dublin 2 on the 28th March, 2002, the following Resolution was duly passed as a Special Resolution:

“That the Company be wound up voluntarily as a Members’ Voluntary Winding-Up and that Mr. Barry Forrest, of O’Connor, Leddy & Holmes, Century House, Harold’s Cross Road, Dublin 6W be appointed Liquidator for the purpose of such winding-up and be authorised to make a distribution of all or any part or parts of the assets of the Company to the Members of the Company in specie”.

MR. BARRY M. J. FORREST,
Liquidator,
O’Connor, Leddy & Holmes,
Chartered, Accountants,
Century, House,
Harold’s Cross Road,
Dublin 6W.

Dated this 28th day of March, 2002.

Note: This notice is inserted to comply with the provision of the Companies Act, 1963. All admitted Creditors have been or will be paid in full.

[7]

IN THE MATTER OF
THE COMPANIES ACTS, 1963-1990

AND IN THE MATTER OF
ULSAN FUND PUBLIC LIMITED COMPANY
(In Voluntary Liquidation)

At an Extraordinary General Meeting of the above mentioned Company duly convened and held at 2nd Floor, Russell House, Stokes Place, St. Stephen's Green, Dublin 2 on the 28th March, 2002, the following Resolution was duly passed as a Special Resolution:

“That the Company be wound up voluntarily as a Members' Voluntary Winding-Up and that Mr. Barry Forrest, of O'Connor, Leddy & Holmes, Century House, Harold's Cross Road, Dublin 6W be appointed Liquidator for the purpose of such winding-up and be authorised to make a distribution of all or any part or parts of the assets of the Company to the Members of the Company in specie”.

MR. BARRY M. J. FORREST,
Liquidator,
O'Connor, Leddy & Holmes,
Chartered Accountants,
Century House,
Harold's Cross Road,
Dublin 6W.

Dated this 28th day of March, 2002.

Note: This notice is inserted to comply with the provision of the Companies Act, 1963. All admitted Creditors have been or will be paid in full.

[8]



IRIS OIFIGIÚIL

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Ba cheart comhfhreagras maidir leis an Iris Oifigiúil a sheoladh chuig: An tEagarthóir, Iris Oifigiúil, Oifig an tSoláthair, 51 Faiche Stiabhna, Baile Átha Cliath 2. Teil.: (01) 6476838, Faics: (01) 6476842). Ní foláir fógraí le cur isteach san Iris Oifigiúil bheith faighte ag Oifig an tSoláthair ar 2.00 p.m. ar a dhéanaí ar an lá roimh fhoilsiú. Is iad na rátaí ná €16.51 ar 10 líne, nó níos lú, agus €8.89 ar gach 5 líne, nó níos lú, sa bhreis.

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ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA
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