

ENVIRONMENT AGENCY

WATER RESOURCES ACT 1991

FISH REMOVAL (ROD and LINE) BYELAWS

The Environment Agency, in exercise of powers conferred on it under section 210 of, and paragraph 6(1)(b) of Schedule 25 to the Water Resources Act 1991 hereby makes the following Byelaws.

Byelaw 1 Application of Byelaws

These Byelaws shall apply to the area (specified in Section 6(7) of the Environment Act 1995) in respect of which the Agency carries out its functions relating to fisheries except the Upper Esk.

Byelaw 2 Interpretation of Byelaws

In these Byelaws except where expressly stated or where the context otherwise requires, all words and expressions used in these Byelaws shall have the meanings assigned to them by the Environment Act 1995, Salmon and Freshwater Fisheries Act 1975 and the Water Resources Act 1991 except the meaning of the term “drain” is not confined to that assigned to it by the Water Resources Act 1991

“Upper Esk” has the same meaning as assigned to it in the Scotland Act 1998 (Border Rivers) Order 1999.

Byelaw 3 Fish Removal

(i) No person may remove by rod and line any freshwater fish listed in Schedule 1 from any river, stream or drain, or from the waters listed in either Schedule 2 or Schedule 3 except:

- (a) 15 fish, other than grayling, of not more than 20cm per day.
- (b) 1 pike of not more than 65cm per day.
- (c) 2 grayling of not less than 30cm and not more than 38cm per day.

The size of any fish shall be ascertained by measuring from the tip of the snout to the fork or cleft of the tail.

Byelaw 3(i) does not apply where written permission has been given by the Environment Agency to the owner or occupier of the fishery to dispense with any of these requirements in relation to those fishing the owner's or occupier's waters.

(ii) No person may remove by rod and line any freshwater fish from any stillwaters or canals (other than those listed in Schedules 2 or 3) except with the written permission of the owner or occupier of the fishery.

(iii) No person may remove by rod and line any eels or, subject to the provisions of sections 9 and 28P of the Wildlife and Countryside Act 1981, shad from any waters.

Subject to the provisions of sections 9 and 28P of the Wildlife and Countryside Act 1981, Byelaw 3 shall not apply to any person who with as little injury as possible either returns fish immediately to the same water alive or retains fish in a keepnet or keepsack and then returns it to the same water alive on or before completion of fishing.

Byelaw 4 Amendments and Revocations

- (i) The amendments to existing Byelaws set out in Schedule 4 shall have effect
- (ii) The revocations of existing Byelaws set out in Schedule 5 shall have effect.

These Byelaws come into force on 1 June 2010

SCHEDULE 1

Fish species

Species	Common name
<i>Abramis bjoerkna</i>	Silver bream
<i>Abramis brama</i>	Common bream
<i>Barbus barbus</i>	Barbel
<i>Carassius carassius</i>	Crucian carp
<i>Cyprinus carpio</i>	Common carp
<i>Leuciscus cephalus</i>	Chub
<i>Leuciscus leuciscus</i>	Dace
<i>Rutilus rutilus</i>	Roach
<i>Scardinius erythrophthalmus</i>	Rudd
<i>Tinca tinca</i>	Tench
<i>Esox lucius</i>	Pike
<i>Osmerus eperlanus</i>	Smelt
<i>Thymallus thymallus</i>	Grayling
<i>Perca fluviatilis</i>	Perch

Including hybrids between any of the above species.

Excluding ornamental varieties or colour variants of the above species.

SCHEDULE 2

Stillwaters

England

Lake Windermere SD39395773

Coniston Water SD3082996365

Ullswater NY450220

Derwentwater NY200260

All waters within the Broads (as defined in section 2(3) of the Norfolk and Suffolk Broads Act 1988) subject to a close season for freshwater fish.

Wales

Llyn Tegid SH 9143 3394

Llyn Maelog SH 3253 7316

SCHEDULE 3

Canals

North East Region:-

Aire and Calder navigation between Castleford Weir and Ferrybridge Lock.

Midlands Region:-

Stroudwater and Thames Canal.

Anglian Region:-

Fosdyke Canal.

Thames Region:-

Kennet and Avon Canal downstream of confluence with River Kennet at Kintbury.

Lee navigation upstream of Aqueduct Lock.

SCHEDULE 4

Amendments to Existing Byelaws

Taking/Removal of freshwater fish

1. For Byelaw numbered 6 (which applies in the Yorkshire area of the former Northumbria & Yorkshire Region of the National Rivers Authority and was confirmed on the 26th day of October 1967) substitute:-

Byelaw 6 Limitation on the number of fish which may be taken in one day.

No person shall kill or take away from rivers, streams, drains or canals in the Agency's area in any one day more than six trout (including migratory trout except when caught by a duly authorised net).

Provided that this byelaw shall not apply to any person who takes away more than six such fish in any one day with the previous permission in writing of the owner or occupier of the fishery.

2. For Byelaw numbered 7 (which applies in the Yorkshire area of the former Northumbria and Yorkshire Region of the National Rivers Authority and was confirmed on 26th day of April 2001) substitute:-

Byelaw 7 Taking of undersized trout

No person shall kill or take away from rivers, streams, drains or canals within the Agency's area any fish of the kinds hereinafter mentioned of a size less than such as is hereinafter specified, that is to say:

Trout (including migratory trout) 23 cms

The size shall be ascertained by measuring from the tip of the snout to the fork or cleft of the tail.

Provided that this byelaw shall not apply:

(ii) Undersized trout shall not be kept in a keepnet.

3. For Byelaw numbered 7 (which applies in the Yorkshire Ouse and Hull River Authority area of the North East Region and was confirmed on 26th day of October 1967) is hereby amended by the substitution for the table therein of the following table:

Taking of under-sized trout

Trout (including 23 cms
migratory trout)

4. For Byelaw numbered 17 (which applies in the North West Region and which was confirmed on 11th day of October 1989) substitute:-

Byelaw 17 Removal of fish

No person may take or remove from any waters within the area of the Authority without lawful authority any salmon or trout, whether alive or dead.

5. For Byelaw numbered 19 (which applies in the North West Region and which was confirmed on 11th day of October 1989) substitute:-

Byelaw 19 Prohibition of taking undersized fish

No person shall take from any waters within the area any fish of a kind and of a size less than such size as is hereafter prescribed, that is to say:

Migratory trout	300mm
Brown trout and char	200mm

The size shall be ascertained by measuring from the tip of the snout to the fork or cleft of the tail.

Provided that this byelaw shall not apply to any person who takes any undersized fish unintentionally if he at once returns to and liberates the same in the water with as little injury as possible.

6. For Byelaw numbered 8 (which applies in the Thames Region and was confirmed on 6th day of June 1978) substitute:-

Byelaw 8 Prohibition on taking undersized fish

Any person who removes from rivers, streams, drains or canals within the area any fish of a kind and of a size less than such as is hereinafter prescribed, that is to say:

Brown Trout	25cm
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shall be guilty of an offence.

The size shall be ascertained by measuring from the tip of the snout to the end of the tail fin.

7. For Byelaw numbered 9 (which applies in the Thames Region and was confirmed on 6th day of June 1978) substitute:-

Byelaw 9 Bag limits

Any person who without the previous consent in writing of the Agency takes or removes more than two salmon in any one day from rivers, streams, drains or canals shall be guilty of an offence.

8. For Byelaw numbered 17 (which applies in Wessex area of the South West Region and was confirmed on 8th day of November 1993) substitute:-

Byelaw 17. Limit on the number of fish which may be permanently removed from the water.

B. No person shall remove permanently from any waters within the Bristol Avon Area or the Somerset Area in any one day more than two non-migratory trout without the written consent of the Authority.

9. For Byelaw numbered 4 (which applies in Midlands Region and was confirmed on 28th day of March 1991) substitute:-

Byelaw 4 The taking of immature trout

No person shall take any fish of a size less than those prescribed hereunder for the species stated from the area stated. The size of the fish shall be ascertained by measuring the fish from the tip of the snout to the fork or cleft of the tail.

a) **trout (except rainbow trout)**

- i) The waters of the River Severn (including its tributaries) above or upstream of its confluence with the Afon Clywedog (SN 954847); the waters of the River Vyrnwy (including its tributaries) above or upstream of Dolanog Weir (SJ 067127); the waters of the River Banwy (including its tributaries) above or upstream of its confluence with the Afon Gam (SJ 017103); the waters of the River Tanat (including its tributaries) above or upstream of its confluence with the River Rhaeadr (SJ 130247)

..... 15 centimetres

- ii) All other waters

..... 20 centimetres

b) **rainbow trout**

The waters of the Rivers Derwent and Amber, including their tributaries, which are above or up-stream of their confluence at Ambergate, Derbyshire, (NGR SK 346 515), excluding the stretch of the River Wye from Blackwell Mill near Buxton to Cressbrook Mill (NGR SK 173 727) above or upstream-of Ashford-in-the-Water and excluding any reservoir or lake-formed by the construction of a dam across the valley of those rivers or across one of their tributaries

..... 20 centimetres

PROVIDED that this byelaw shall not apply in the case of any person who takes any immature (undersized) fish unintentionally if he at once returns the same to the water with as little injury as possible.

10. For Byelaw numbered 14 (which applies in Wessex area of the South West Region and was confirmed on 8th day of November 1993) substitute:-

14. Prohibition of taking undersized trout

No person shall without the lawful authority of the Environment Agency take from any waters any fish of any kind hereinafter listed which from the tip of the snout to the fork or cleft of the tail is of less than the size prescribed hereunder:

brown trout	25 centimetres, except that the size limit on the By Brook and its tributaries shall be 20 centimetres
migratory trout	35 centimetres

Provided that this Byelaw shall not apply to any person who catches any undersized trout unintentionally if he at once returns the same to the water with as little injury as possible.

SCHEDULE 5

Revocations of Existing Byelaws

Byelaw Number	Region	Date of confirmation
Taking/removal of freshwater fish 5. Maximum number of fish which can be taken.	Anglian	21 April 1988