

ENVIRONMENT AGENCY

WATER RESOURCES ACT 1991

**WILD SALMON AND MIGRATORY TROUT TAGGING AND LOG BOOK
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 Byelaw 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 this Byelaw shall have the meanings assigned to them by the Environment Act 1995, Salmon and Freshwater Fisheries Act 1975 and the Water Resources Act 1991.

“Authorised officer” means a person appointed by the Environment Agency to issue licences to fish for salmon and migratory trout otherwise than by rod and line.

“Day” means from 00.00.hours to 24.00 hours following.

“Fish” means salmon or migratory trout.

“Holder of a log book” means a person who holds a log book issued to them as a holder of a licence granted under section 25 Salmon and Freshwater Fisheries Act 1975

“Migratory trout” means trout of the species *Salmo trutta* which migrate to and from the sea.

“Processed” means either :-

- A. smoking, marinating or cooking the fish, or
- B. removing the viscera and the head of the fish and freezing the fish or cutting steaks or other portions of the fish.

“Salmon” means salmon of the species *Salmo salar*.

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

This Byelaw does not apply to any salmon or migratory trout taken within a fish farm as defined in section 10 of the Diseases of Fish Act 1937.

Byelaw 3 **Carcass Tags**

(i) No person shall be in possession of any salmon or migratory trout taken, otherwise than by rod and line, within England or Wales which does not have fixed to it the appropriate carcass tag issued by the Environment Agency.

(ii) Carcass tags will be issued to licence holders at the time of the issue of a licence.

(iii) At the discretion of the authorised officer the number of tags issued shall be selected from the following options: the number of fish caught per licence in the fishery in the previous year, or 25% more than the number of fish caught by the licensee the previous year, or the number of fish permitted to be caught by the licensee.

(iv) Subject to any restrictions on the catch of fish, additional tags shall be issued to licence holders on presentation of log book information showing that tags already issued have been used.

(v) Carcass tags may only be affixed to fish that were caught by the licensee or his or her authorised agent in the fishery to which the tag relates. Tags are not transferable between licence holders.

(vi) Carcass tags shall be attached through the gill opening and mouth and securely locked around the gill cover so that it can not be removed without tampering with the lock, breaking or cutting the tag or without damaging any part of the fish.

(vii) Lost and accidentally destroyed tags must be reported as soon as possible to the authorised officer. Such tags may be replaced upon presentation of a signed declaration completed by the licence holder and countersigned by the authorised officer.

(viii) Subject to subsections (1) and (2) below carcass tags must be affixed as soon as possible after the fish is captured and remain in the fish until the carcass is processed.

(1) In the case of a fish caught from a boat, if not tagged before, it must be tagged before it is removed from the boat from which it was caught.

(2) In the case of a fish caught by a hand held net, or a fixed instrument, where the captor by necessity enters the water during the fish operation, if not tagged before, it must be tagged immediately the captor leaves the water for the first time after the capture of the fish.

Where it is not necessary to enter the water during the fishing operation, if not tagged before, the fish must be tagged before the captor vacates the fishing station

(ix) Any water bailiff appointed by the Environment Agency and any person appointed by the Minister or any constable may examine any fish caught otherwise than by rod and line.

Byelaw 4 Log Books

(ii) A log book shall be issued to each licence holder by the authorised officer at the time of issue of the licence. Details of tags issued in pursuance of Byelaw 3 above will be entered in the log book by the authorised officer.

(iii) Where an event has occurred in respect of which an entry is required to be made, the holder of the log book shall make that entry as soon as reasonably practicable and in any case before midnight on the day the event occurred.

(iv) The holder of a log book shall, on the form provided, make a record of:
(a) the time spent fishing,
(b) the individual weight of any salmon or migratory trout caught even if the fish is released or, where no fish were caught, a statement to that effect, and
(c) the tag numbers attached to individual fish

(vi) The holder of a log book shall report any lost or accidentally destroyed log books as soon as possible to the authorised officer at the office which issued the fishing licence to which the log book relates.

A replacement log book will be issued for any log book that is reported as lost or accidentally destroyed. The holder of the lost or accidentally destroyed log book shall complete the replacement log book so as to cover all periods of fishing in the relevant fishing season to the best of the holder's knowledge and return the replacement in accordance with the instruction in the log book.

(vii) The holder of a log book shall deliver the log book correctly completed together with all unused tags issued to him or her to the authorised officer who issued the log book by the date specified in the log book.

(viii) Any water bailiff appointed by the Environment Agency and any person appointed by the Minister or any constable may examine any log book issued under this byelaw.

Byelaw 5 Revocations

The revocations of existing Byelaws set out in Schedule 1 shall have effect.

Exemptions

These byelaws shall not apply to any employee of the Environment Agency acting in his official capacity or to any person who with the permission in writing of the Environment Agency and acting in accordance with any conditions attached to that permission carries out work connected with the maintenance, improvement or development of a fishery or for some scientific purpose.

SCHEDULE 1

Revocation of Existing Byelaws

| Byelaw number | Region | Date of Confirmation |
|---------------------------------------|---------------|-----------------------------|
| 3(2) Migratory Salmonid Catch Returns | National | 18 December 1996 |

Confirmed by Secretary of State for Environment, Food and Rural Affairs on 26 January 2009 and by the Welsh Ministers on 21 January 2009

Byelaws came into force on 30 January 2009