

CLOSE SEASON AND CLOSE TIME FISHING

What will the byelaw do?

The byelaw will make it an offence to fish during any close season or any close time specified in any byelaw made by the Environment Agency or its predecessors.

The exact wording of the byelaw is replicated at the end of this document.

What is the rationale for this?

Section 19 of the Salmon and Freshwater Fisheries Act, 1975, established the duty to make close season and close time byelaw, and set certain constraints on the timing and duration of these. The Marine and Coastal Access Act 2009 removed Section 19, allowing the Environment Agency more flexibility to set close seasons and close times entirely by byelaw. Section 19 also included the offence of fishing during close seasons and close times. This has also been removed.

We must reinstate this offence in a byelaw.

Does this change existing close seasons and close times?

No. All close seasons and close times set in byelaws remain unchanged.

The byelaw

The wording of the byelaw is replicated below.

ENVIRONMENT AGENCY
WATER RESOURCES ACT 1991
SCOTLAND ACT 1998 (BORDER RIVERS) ORDER 1999

CLOSE SEASON PROHIBITION BYELAW

The Environment Agency, in exercise of powers conferred on it under Section 210 of, and paragraph 6(1) of Schedule 25 to the Water Resources Act 1991 and Article 4(2) of the Scotland Act (Border Rivers) Order 1999 hereby makes the following Byelaw:

Byelaw 1 Application

This Byelaw shall apply to the area (specified in Section 6(7) of the Environment Act 1995) in respect of which the Environment Agency carries out its functions relating to fisheries.

Byelaw 2 Close Season Prohibition

No person shall fish for any species of fish in any close season specified in any Byelaws made by the Environment Agency or predecessor organisations under paragraph 6 of Schedule 25 to the Water Resources Act 1991 or Article 4(2) of the Scotland Act (Border Rivers) Order 1999 or predecessor legislation.

Byelaw 3 Close Time Prohibition

No person shall fish for any species of fish during any close time specified in any Byelaws made by the Environment Agency or predecessor organisations under paragraph 6 of Schedule 25 to the Water Resources Act 1991 or Article 4(2) of the Scotland Act (Border Rivers) Order 1999 or predecessor legislation.

THE COMMON SEAL of the ENVIRONMENT AGENCY
was affixed on 12th day of July 2010
in the presence of

Authorised Signatory

SIGNED: 

Jonathan Robinson
Director, Legal Services

DATE: 12/7/10

