

# Coarse fish close season

## Background and rationale

### The Purpose of Close Seasons

The legal basis for the statutory close seasons is to protect fisheries from the impacts of angling during the breeding season. For coarse fish, a close season was introduced at the end of the nineteenth century, when coarse fish were usually killed upon capture.

Nowadays coarse fish are almost invariably returned to the fishery and therefore a close season may no longer be justified on all waters. Although the coarse fish close season may have benefits for wildlife, habitat and to other recreational users, these are incidental and close seasons cannot be imposed for these reasons.

On this basis, the justification for close seasons for salmon and trout is clear. However, for rainbow trout in stillwaters there is no close season, since these fisheries are entirely reliant on stocking.

### The legal basis

The Salmon & Freshwater Fisheries Act 1975 sets out the coarse fish close season as 15 March to 15 June inclusive, but makes provision for this to be altered or dispensed with through fisheries byelaws. The coarse fish close season was dispensed with in a piecemeal way during the Water Authority era (1976 - 1988). Some Authorities dispensed with the close season on stillwaters and/or canals. Historically, some areas, notably Devon and Cornwall, have never had a coarse fish close season on stillwaters or canals.

### Stillwaters

The National Rivers Authority (NRA), set up in 1988, inherited a situation in which the coarse fish close season was regulated through regional and local byelaws, some of which dispensed with the coarse fish close season to varying degrees.

Some regions had dispensed with the close season on canals, with the result that nationally only around 60% of the canal network had a close season; others had dispensed with it on stillwaters. This was unacceptable and in 1994 the NRA carried out an extensive public consultation on the coarse fish close season.

As a result a national coarse fish close season byelaw for the whole of England and Wales was confirmed on 13 March 1995. This retained the coarse fish close season on rivers, streams and drains but dispensed with it on most stillwaters, the exceptions being some Sites of Special Scientific Interest (SSSIs) and the Broads, where the close season was retained as a precaution against possible damage to conservation interests. The rationale for dispensing with the close season on stillwaters was twofold:

- Most stillwaters are discrete water bodies in single ownership; this enables the owner to manage the fish stocks and to impose whatever restrictions are felt to be needed, including non-statutory close seasons.
- The fact that the close season had been dispensed with on many stillwaters without any apparent detriment to those fisheries, presented strong evidence in favour of removing it.

## Canals

With regard to canals, the 1994 byelaw (see stillwaters) application took a precautionary approach and sought confirmation for a close season on all canals. The rationale behind this had four supporting principles:-

- consistency between canals
- Fish populations which are not discrete to individual fisheries should have a statutory close season (on other fisheries owners could protect their stocks by imposing their own close season, if they deemed it necessary)
- the primary fishery owner, British Waterways, wanted consistency across all waters
- sites of special conservation interest should be protected

Fisheries byelaws require confirmation by Government. In 1995 the Minister considered that there was not sufficient evidence to impose a close season on those canals that did not have one. Therefore the NRA's proposal for a consistent close season on all canals was not endorsed and the status quo remained.

For canals, the Minister stated that, where anglers and owners made representations, the then NRA should consider each case on its merits and propose change if justified. This resulted in the Midlands, South West and Thames Regions undertaking further consultation exercises on whether the statutory close season should be removed from their canals. In 1996 the decision was made in these Regions to continue with the status quo.

Further representations from fisheries and angling interests followed and it became clear that a nationally consistent approach to the canal close season was essential. The main barrier was the lack of evidence regarding whether or not a close season is necessary to protect fish stocks in canals. This situation could not be resolved without sound scientific evidence and therefore in 1997 the Environment Agency commissioned a fisheries Research & Development (R&D) project to address this issue.

The R&D project "Evaluation of the close season in canals" was carried out by Aquatic Pollution and Environmental Management (APEM) Ltd, on behalf of the Environment Agency. The objective of this study was to identify whether or not angling during the close season on canals was detrimental to fisheries. Given that the close season had been dispensed with on many canals, the project was able to make a direct comparison between canals with and without close seasons, in terms of both fish populations and angler catches.

customer service line  
08708 506 506

incident hotline  
0800 80 70 60

floodline  
0845 988 1188

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

The main conclusion of the R&D project was that:

"On the grounds of fish stock protection and conservation, the evidence examined has indicated that there would not appear to be any justification for maintaining a close season for coarse fish angling on canals."

Following this, the Environment Agency carried out a national consultation on the canal close season. There was almost unanimous support from angling and fisheries interests to dispense with the coarse fish close season on canals. As a consequence the close season was dispensed with on canals with effect from 15 March 2000.

## Rivers

In contrast to stillwaters, most river fisheries are in multiple ownership, with fish free to move between stretches owned by different people. Fisheries management actions taken by one owner will have an impact on the neighbouring waters; this is of particular importance with regard to spawning sites on rivers, which are often very localised.

In February 2000 the independent Salmon & Freshwater Fisheries Review considered close seasons and recommended that:

***Byelaws should be introduced to abolish the close season for coarse fish on canals and rivers except where its retention is necessary to avert serious risk of damage to fish stocks.***

The Government supported our view that such a proposal should be based on sound science. While sound scientific evidence was available to support the case for removing the close season on canals, it was not available in respect of rivers. Because all river coarse fisheries have a close season, it is virtually impossible to gather the required evidence - a scientific comparison similar to that done for canals would be needed. **Our view is that in the absence of scientific evidence, we must take a precautionary approach towards rivers, retaining the current close season.**

It should also be noted that the above recommendation resulted in a great deal of representation to Government from angling and fisheries interests opposing the removal of the close season on rivers.

customer service line  
08708 506 506

incident hotline  
0800 80 70 60

floodline  
0845 988 1188

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)