

ENVIRONMENT AGENCY

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

NATIONAL EEL FISHING (NET AND TRAP) BYELAWS

The Environment Agency, in exercise of its powers under section 210 of, and paragraph 6 of Schedule 25 to, the Water Resources Act 1991 and Article 4(2) of the Scotland Act (Border Rivers) Order 1999 makes the following Byelaws.

Byelaw 1 Application

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.

Byelaw 2 Interpretation of Eel Byelaws

(1) In these Byelaws unless the context otherwise requires:-

"Agency" means the Environment Agency;

"Anglian River Basin District", "Dee River Basin District", "Humber River Basin District", "Northumbria River Basin District", "North West River Basin District", "Severn River Basin District", "South East River Basin District", "South West River Basin District", "Thames River Basin District" and "Western Wales River Basin District" means the areas shown on the deposited map in accordance with Regulation 4 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 [SI 2003/3242];

"Solway Tweed River Basin District" means the area identified by Regulation 3(1) of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 [SI 2004/99];

"Fully enclosed stillwaters" means stillwaters from which or into which fish cannot swim;

"Tidal limit" means the normal tidal limit as marked on the Ordnance Survey Map: 1 to 50,000 series

(2) 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.

(3) For the purpose of these Byelaws, elver means an eel not exceeding 120mm in length.

Byelaw 3 Restrictions on Fishing for Elvers

(1) No person shall fish for elvers in any waters in England or Wales, except in those draining to the sea between Compass Point in Bude, Cornwall, NGR SS198064 to the

south, and Craig y Gwbert in Cardiganshire, NGR SN157502, and between Point of Ayr in Flintshire, NGR SJ130850, and Mearness Point in Cumbria, NGR SD 321817.

- (2) (a) Elver Dip Nets, shall be single, hand-operated devices solely for taking elvers, which are constructed in part or in whole of netting; the net frame shall be no greater than 1 metre at its widest point and 1.25 metres in overall length excluding the handle and the depth of the net or bag shall not exceed 1 metre.

(b) The dip net handle shall be of a maximum length of 2.5m from the junction with the net frame to its end and of rigid design.

(c) No elver dip net shall be used outside the area specified in Byelaw 3(1) above.
- (3) (a) No person shall fish with more than one elver dip net.

(b) No person, when fishing an elver dip net, shall fail to operate it by hand.

Once the hand is removed from the net, the net should not be able to fish unaided.

(c) No person shall operate an elver dip net from a boat.

(d) No person shall use an elver dip net in conjunction with any other instrument or method.

Byelaw 4 Restrictions on Fishing for Eels

- (1) No person shall fish for eels in any part of the Solway Tweed River Basin District that is within the area specified in Byelaw 1 above.
- (2) No person shall fish for eels in any fully enclosed stillwaters in the Anglian, Dee, Humber, Northumbria, North West, Severn, South East, South West, Thames and Western Wales River Basin Districts.
- (3) No person shall fish for eels in any waters in the Dee River Basin District which are above the tidal limit
- (4) No person shall fish for eels in any waters in the Northumbria River Basin District which are above the tidal limit.
- (5) No person shall fish for eels in any waters draining into the sea between Mearness Point in Cumbria, NGR SD 321817 and Dubmill Point in Cumbria, NGR NY 076 457 in the North West River Basin District.
- (6) No person shall fish for eels in any waters in the South East River Basin District which are above the tidal limit.

This prohibition shall not apply to any permanently fixed weir traps or eel racks which were placed in those waters prior to the making of these Byelaws
- (7) No person shall fish for eels in any waters in the South West River Basin District which are above the tidal limit.

This prohibition shall not apply to any permanently fixed weir traps or eel racks which were placed in those waters prior to the making of these Byelaws

- (8) (a) No person shall fish for eels in any waters in the Thames River Basin District which are above the tidal limit.

(b) No person shall fish for eels in the River Thames upstream of Tower Bridge in London.
- (9) (a) No person shall fish for eels in any waters draining into the sea between Ynys Cyngar in Gwynedd, NGR SH 554 364 to Lavernock Point in the Vale of Glamorgan, NGR ST 189 678 in the Western Wales River Basin District.

(b) No person shall fish for eels in any waters in the Western Wales River Basin District which are above the tidal limit.
- (10) No person shall fish for eels using a permanently fixed trap (weir trap or eel rack) in the Anglian, Dee, Humber, Northumbria, North West, Severn, Thames or Western Wales River Basin Districts.

This Byelaw does not apply to fishing for eels by rod and line.

Byelaw 5 **Types of Instrument for Taking Eels**

- (1) No person shall fish for eels using any eel trawl.
- (2) No person shall use for the purpose of taking eels any instrument (other than rod and line) except those authorised by this Byelaw, namely:
 - (a) Permanently fixed structures, being devices for taking eels which are incorporated into permanently built structures such as weirs (weir traps), or devices which are partly or wholly fixed permanently at one location (eel racks).

A weir trap shall be a fixed trap incorporated into a weir or outflow structure, in which water flows through a grating set to intercept eels. The gap between the parallel bars shall be no less than 12 mm, and the use of netting in the construction and operation of a weir trap is prohibited.
 - (b) Moveable or temporarily fixed nets or traps that are not fixed permanently at one location.
 - (i) A trap shall be a putcheon, pipe trap, crigg, pot, basket, hive or like instrument (without leaders or wings), baited or unbaited, fitted with a single inscale (or two inscales if double ended). The dimensions of such a trap shall not exceed 2 metres in length, 75 cm in height, or 75 cm in width. Any trap shall not be hand-held or attached to any handle.
 - (ii) Fyke Net (leaderless/wingless) shall be a conical net with inscales and a circular or D-shaped opening. The net shall not exceed 5 metres in length or 75 cm at its widest point.

- (iii) Fyke Net (with leaders or wings) shall be a conical net with inscales and a circular or D-shaped opening, with not more than two leaders (or wings acting as leaders); each wing or leader shall not exceed 10 metres in length. The net, excluding wings or leaders, shall not exceed 5 metres in length or 1 metre at its widest point. The height of any wing or leader shall not exceed the width of the net opening at its widest point.
- (3) No person shall fail to return any salmon, migratory trout, trout, lamprey, shad, smelt or freshwater fish caught in any instrument authorised to take eels as soon as practicable to the same water from which it was taken and with as little injury as possible.
- (4) Except when taken in an elver dip net, no person shall fail to return any eel of less than 30 cm in length as soon as practicable to the same water from which it was taken and with as little injury as possible.
- (5) No part of any net, wing or leader shall be made of a mesh greater than 36 mm full stretched mesh. For the purposes of this Byelaw, any measurements made must conform to the procedures set out in Commission Regulation (EC) No. 2108/84 (as amended).
- (5) Except for an elver dip net, the use of any net for taking eels made wholly or partly of monofilament material is prohibited.

Byelaw 6 **Mode of Use of Instruments for Taking Eels**

- (1) No person shall, when placing or using any instrument for taking eels, other than permanently fixed structures, in any waters in the Agency's area, set it such that any part capable of retaining fish becomes completely exposed from the water and no person shall fail to inspect any instrument and remove any fish caught before it is completely exposed.
- (2) No person shall, when placing or using any instrument or groups of instruments for taking eels in any waters, set them so that the width or combined width exceeds one half the width of the waters.
- (3) Except when fishing in tidal waters, a fyke net and leader shall be fished parallel with the flow in the water, and nets may only be set individually or in pairs and no part of any net or pair of nets shall be set closer than 30 metres to any part of any other net or pair of nets.
- (4) Except where authorised by the Agency, no person shall fish for eels with any instrument, other than rod and line, in any waters within 30 metres above and 30 metres below any inlet or outlet of any dam or any obstruction, whether natural or artificial, which hinders the passage of eels.

The 30 metre limits referred to shall be measured from such point on the obstruction as shall be the furthest upstream or downstream extent respectively of the said inlet or outlet of the dam or obstruction, and this limit shall have effect and extend to the same extent on either bank of the relevant water.

- (5) (a) No person, to whom an authorisation to use an instrument for taking eels or elvers has been issued, shall fail to attach a tag or label provided by the Agency for the current authorisation period to said instrument.
- (b) No person shall fail to maintain the tag or label so attached to said instrument at all times whilst fishing.

Byelaw 7 **Eel and Elver Net Catch Returns**

Any person to whom an authorisation is issued by the Agency to fish with any instrument, other than rod and line, for eels shall, within 30 days of the expiry of the authorisation, make a return on a form provided by the Agency giving details of the number of days fished, the location and type of water fished, the total weight of eels and/or elvers caught by that instrument and retained or (as the case may be) a statement that no eels or elvers have been caught and retained for each month during the authorisation period or be guilty of an offence.

Byelaw 8 **Annual Close Season for Fishing for Eels**

- (1) (a) The annual close season for fishing for eels with any instrument, other than rod and line, in the Anglian, Dee, Humber, Northumbria, North West, Severn, South East, South West and Western Wales River Basin Districts shall be the period from and including the 1st day of October to and including the 31st day of March following.
- (b) No person shall fish for eels in the close season specified in Byelaw 8(1)(a)
- (2) (a) The annual close season for fishing for eels with any instrument, other than rod and line, in the Thames River Basin District shall be the period from and including the 1st day of December to and including the 31st day of March following.
- (b) No person shall fish for eels in the close season specified in Byelaw 8(2)(a).
- (3) No person shall fish for eels with any instrument, other than rod and line, in any waters frequented by salmon or migratory trout before 25th June in any year in the Anglian, Dee, Humber, Northumbria, North West, Severn, South East, South West, Thames and Western Wales River Basin Districts.

Byelaw 9 **Annual Close Season for Fishing for Elvers**

- (1) The annual close season for fishing for elvers in the Dee River Basin District shall be the period from and including the 16th day of May to and including the last day of February following.
- (2) The annual close season for fishing for elvers in the North West River Basin District shall be the period from and including the 1st day of June to and including the last day of February following.
- (3) The annual close season for fishing for elvers in the Severn River Basin District shall be the period from and including the 16th day of May to and including the last day of February following.

(4) The annual close season for fishing for elvers in the South West River Basin District shall be the period from and including the 11th day of May to and including the 14th day of February following.

(5) The annual close season for fishing for elvers in the Western Wales River Basin District shall be the period from and including the 16th day of May to and including the last day of February following.

(6) No person shall fish for elvers in the close seasons specified in Byelaws 9(1) to (5) above.

Byelaw 10 **Revocation of existing Byelaws**

(1) The National Eel Fisheries Byelaws confirmed on 19 November 2004 shall be revoked.

(2) Byelaw 9 (Eel Net Catch Returns) of the National Fishery Byelaws confirmed on 26 April 2001 shall be revoked.

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

Authorised Signatory

SIGNED: Jonathan Robinson

Jonathan Robinson
Director, Legal Services

DATE: 12/7/10

