

NRA-South West 368

NRA NORTH AND SOUTH
WESSEX AREAS

FISHERY BYELAWS
1992

WATER RESOURCES ACT 1991

ENVIRONMENT AGENCY



125197

REFERENCE



NRA

National Rivers Authority

c. 1 50

FISHERY BYELAWS 1992

WATER RESOURCES ACT 1991

By virtue of the powers contained in Section 210 of, and Schedule 25 to, the Water Resources Act 1991 and of all other enabling powers the National Rivers Authority hereby make these Byelaws

The "Wessex Region" referred to in these byelaws has now been merged with an adjacent region to form the South Western Region of the National Rivers Authority. Nevertheless, the geographical areas to which they apply remain unchanged and are given in Byelaw 1.

1 INTERPRETATION

In these Byelaws unless the context otherwise requires:

- (i)** "the Authority" means the National Rivers Authority;
- (ii)** "several fishery" means the sole and exclusive right of a person to the fishing whether or not he owns the soil;
- (iii)** "the Wessex Region" comprises:
 - (a)** "the Avon Dorset Area" which is the drainage area of those rivers and watercourses and their tributaries which drain into the English Channel between NGR SZ 2000 9329 at Highcliffe and NGR SY 3538 9285 at Lyme Regis;
 - (b)** "the Bristol Avon Area" which is the drainage area of the River Avon (Bristol) its watercourses and tributaries which drain into the Bristol Channel between NGR SY 5145 8000 and NGR SY 5000 7800 both at Avonmouth; and
 - (c)** "the Somerset Area" which is the drainage area of those rivers and watercourses and their tributaries including rhynes that drain into the Bristol Channel between NGR SE 7559 5136 at Foreland Point and NGR SY 5000 7800 at Avonmouth;

together with in the case of each Area the foreshore within those limits and the sea adjacent thereto to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured between lines drawn due north or south as appropriate at the said National Grid Reference points.

2 APPLICATION OF BYELAWS

These Byelaws shall apply only in the Wessex Region.

3 ANNUAL CLOSE SEASON FOR FISHING FOR SALMON

A The annual close season for fishing for salmon with rod and line shall be:

- (i)** in the Rivers Frome and Piddle and their tributaries in the Avon Dorset Area the period between the 31st day of August and the 1st day of March following;

(H) in all other parts of the Wessex Region the period between the 31st day of August and the 1st day of February following.

B The annual close season for fishing for salmon with nets shall be:

(I) in the Somerset Area the period between the 30th day of August and the 16th day of April following;

(H) in the Avon Dorset Area:

(a) in the Rivers Avon and Stour and their tributaries the period between the 31st day of July and the 15th day of April following;

(b) in so much of the River Frome and its tributaries as lies upstream of a line drawn true southwest from Swineham Point to Turners Cove the period between the 30th day of September and 1st day of June following;

(c) in all other parts of the Avon Dorset Area the period between the 31st day of July and the 15th day of April following;

4 ANNUAL CLOSE SEASON FOR FISHING FOR NON-MIGRATORY TROUT

A Subject to paragraph B below the annual close season for fishing for non-migratory trout including rainbow trout with rod and line shall be:

(I) subject to paragraph (H) below the period from the 16th day of October to the 31st day of March following inclusive;

(H) in the case of reservoirs, lakes and ponds the period from the 15th day of October to the 16th day of March following inclusive.

B There shall be no annual close season for rainbow trout in reservoirs, lakes and ponds containing rainbow trout only.

5 ANNUAL CLOSE SEASON FOR FISHING FOR MIGRATORY TROUT

A The annual close season for fishing for migratory trout with rod and line shall be the period between the 31st day of October and the 15th day of April following.

B The annual close season for fishing for migratory trout with nets shall be:

- (I)** in the Avon Dorset Area in so much of the River Frome and its tributaries as lies upstream of a line drawn true southwest from Swincham Point to Turners Cove the period between the 30th day of September and the 1st day of June following; and
- (II)** in all other parts of the Wessex Region the period between the 31st day of July and the 15th day of April following.

6 WEEKLY CLOSE TIME FOR NETTING FOR SALMON AND MIGRATORY TROUT

A Subject to paragraph B below in the Avon Dorset Area the weekly close time for netting for salmon and migratory trout shall be the period between the hour of 6.00 a.m. on Saturday morning and the hour of 6.00 a.m. on the following Monday morning and the period between the hour of 9.00 p.m. on each of the evenings of Wednesday, Thursday and Friday and the hour of 5.00 a.m. on each of the respective following mornings.

B In the Bristol Avon and Somerset Areas the weekly close time shall be the period between 6.00 a.m. on Saturday and 6.00 a.m. on the following Monday.

7 USE OF INSTRUMENTS FOR TAKING FISH

A For taking salmon, trout, freshwater fish and eels the use of the instruments specified below is permitted and the use of all other instruments without authority under any legal enactment is prohibited:

- (I)** the use of rod and line and a landing net or tailer used as auxiliary to rod and line;
- (II)** the use of a gaff (consisting of a plain metal hook without a barb) in connection with fishing with a rod and line for salmon and migratory trout in the Avon Dorset Area between the first day after the

end of the appropriate close season and 31st day of August following:

- (iii) dip nets for taking salmon or migratory trout in the Somerset Area in that part of the River Parrett which lies between Burrow Bridge and a line drawn from Stert Point to the South side of the confluence with the River Brue;
- (iv) the use of draft or seine nets for taking salmon or migratory trout as follows:

 - (a) in the joint estuary of the Rivers Avon and Stour lying seaward of a line drawn from the south east corner of Inveravon to the ditch on Hengistbury Head known as The Canal;
 - (b) in Poole Harbour;
- (v) (a) the use of eel racks, fyke nets and baited traps to take eels, except that the only instrument that shall be used for taking elvers shall be an elver net;

 - (b) the use of seine nets to take eels within tidal waters in the Avon Dorset area;
- (vi) the use of any instrument in connection with:

 - (a) stocking, restocking or breeding;
 - (b) improvement or preservation of a several fishery;
- (vii) the use of any instrument by an officer of the Authority acting in his official capacity.

B For the purpose of this Byelaw a dip net means a net which shall not be used by more than one person at one time. The opening of the net shall not be more than 2.25 square metres in area with the mouth not being more than 1.85 metres from the heel of the net. It shall be fixed at one end of the handle or pole. The net shall fall freely from the opening without any further support to the depth of not more than 93 centimetres below the line of the handle or pole.

C For the purposes of this Byelaw:

- (i) a draft or seine net for fishing for salmon or migratory trout shall be an unarmoured net consisting of a single sheet of netting measuring when wet not more than 185 metres in length and

not more than 7.5 metres in depth at any part;

- (ii) the manner of using such nets shall be by holding one end of the net on the shore or bank and the net shall be shot or paid out from a boat which shall start from such shore or bank and return thereto without pause or delay and the net shall thereupon forthwith be drawn into and landed on the shore or bank from which it started. Such nets shall not be used by more than four persons in all at one time;
- (iii) no draft or seine net used for taking salmon or migratory trout shall be shot or paid out from any point within 90 metres from the nearest point at which any other draft or seine net is, or has been, in use before such last mentioned net is fully drawn in or landed.

- D** For the purpose of this Byelaw an elver net when wet shall have an opening not greater than 0.8 square metres, a depth of not greater than 60 centimetres and shall be attached to a single handle of not more than 2.5 metres in length which shall be hand held by one person and not used in conjunction with any other instrument.
- E** No fyke nets shall be used unless they are guarded at the mouth of the net to prevent otters becoming trapped. Guards must have the following maximum dimensions: 95 millimetres diameter for ring guards, 85 millimetres bar length for rigid square grids and 75 millimetres bar length for flexible netting meshes when wet. The guard must be placed at or between the first hoop and the end of the first funnel.
- F** For the purposes of this Byelaw a baited trap shall be not more than 1 metre in length constructed of metal plastic or wood and covered with netting. It shall be fitted with an entrance funnel which terminates in a rigid circular ring not exceeding 95 millimetres diameter.

8 KEEPNETS, KEEPSACKS AND TUNNELS

- A** No person shall use a keepnet having a depth of less than 1.5 metres when fully extended or having hoops of less than 35 centimetres external diameter or if rectangular of less than 35 centimetres by 30 centimetres. The keepnet shall only be constructed from a knotless material and the mesh shall not be smaller than 6 millimetres internal circumference or approximately 2 millimetres internal diameter, all measurements to be

made when net is wet.

B Keepsacks and keep tunnels may be used for the retention of fish, provided that not more than one fish is retained in a keepsack or keep tunnel at any one time.

C For the purposes of this Byelaw:

(i) a keepsack shall have a minimum size of 90 centimetres by 120 centimetres, be constructed of dark-coloured, soft, non-abrasive, permeable fabric with rounded corners; all measurements to be made when net is wet.

(ii) a keep tunnel shall be constructed of a dark coloured, soft, non-abrasive, permeable fabric, supported by a rigid frame, incorporating knotless mesh at one or both ends. The length of any fish retained shall not exceed the length of the keep tunnel.

9 MARKING AND NUMBERING OF NETS, BOATS AND TRAPS

A When a label bearing a number is issued with a fishing licence by the Authority it shall be attached and shall always be kept attached to the headrope of the net (or the handle of a dip net) for which the licence is granted and the same number shall be affixed and remain affixed in a conspicuous position on the rigging of the boat from or in connection with which the licence to net is used or where the boat is without rigging of any form the said number shall be conspicuously painted and maintained in white numerals not less than 15 centimetres high on a black background displayed on either side of a board affixed to the boat.

B Any number-bearing label issued by the Authority in respect of a licensed net or trap used in connection with the trapping of eels shall be firmly attached at all times to the said net or trap.

10 CARRYING OF NETS

A No person shall carry in a boat or vessel whilst being used in fishing for salmon or migratory trout any net (other than a landing net used in conjunction with rod and line fishing) which is not licensed or which, if licensed, has not attached thereto the label referred to in Byelaw 9(A) above.

B No person shall during the annual close season for salmon carry in any boat any net capable of taking

salmon other than a landing net used in conjunction with rod and line fishing or a net commonly used in that particular area for sea fishing if carried in a boat or vessel commonly used for that purpose.

- C** No person shall during the annual close season for freshwater fish use a keepnet, keepsack or tunnel for retaining or holding any such fish.
- D** No person shall at any time use a keepnet, keepsack or tunnel for retaining salmon, sea trout, trout or the parr or fry thereof.

11 MINIMUM ROD LENGTH

No person fishing with rod and line shall use a rod less than 1.5 metres in length.

12 LIMIT OF NUMBER OF RODS IN USE

No person shall use in fishing for salmon or trout more than one rod and line at the same time, and in fishing for freshwater fish or eels more than two rods and lines at the same time.

13 UNATTENDED RODS AND LINES

No person shall leave any rods and lines unattended when fishing for salmon, trout, freshwater fish or eels.

14 PROHIBITION OF TAKING UNDERSIZED TROUT AND GRAYLING

No person shall without the lawful authority of the NRA 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
Grayling	25 centimetres except that the size limit for grayling shall not apply in the Avon Dorset Area

provided that this Byelaw shall not apply to any person who

catches any undersized trout or grayling unintentionally if he at once returns the same to the water with as little injury as possible.

15 RETURNS

- A** Any person licensed to fish for salmon or migratory trout by rod and line or by nets and who fishes in the Wessex Region shall not later than the 31st day of March in each year send a return to the Authority in the appropriate form set out in paragraph C of this Byelaw (giving the particulars indicated therein) of any such fish taken by them within the Wessex Region or make a nil return if they have taken no fish.
- B** Any person licensed to fish for eels other than by means of rod and line and who fishes in the Wessex Region shall not later than 30 days after the expiry of any licence send a return to the Authority in the appropriate form set out in paragraph C of this Byelaw (giving the particulars indicated therein) of any eels taken by them within the Wessex Region or make a nil return if they have taken no eels.

i FORM OF RETURN (NETS)

Week Ending	Salmon				No.
	No.	Total weight KG (LB)	Draft/seine No. of hours fished	Dip nets No. of hours fished	

Note: For the purpose of this Return Grilse are Salmon of 3.63 kg (8 lbs)

ii FORM OF RETURN (ROD AND LINE)

1 EFFORT

Main River Name	County	Box 1 <i>Number of days fished for Salmon only</i>	Box 2 <i>Number of days fished for Sea Trout only</i>	Box 3 <i>Number of days fished for both at the same time</i>

iii FORM OF RETURN (EEL)

Week ending	Eel		Elver		
	Total weight KG (LB)	No. of days fished *		Total weight KG (LB)	No. of hours fished using elver net
		Fyke nets	Traps		

* To the nearest half day

Grilse			Migratory Trout			
Total weight KG (LB)	Draft/seine No. of hours fished	Dip nets No. of hours fished	No.	Total weight KG (LB)	Draft/seine No. of hours fished	Dip nets No. of hours fished

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ii FORM OF RETURN (ROD AND LINE)

2 FISH

Date of Capture		River <i>(Give name of main river only and the county where fished)</i>		Species <i>(Please tick)</i>		Weight		Method of Capture <i>(Please tick)</i>		
Day	Month	Main River	County	Salmon & Grilse	Sea Trout (Sewin)	lbs	ozs	Fly	Spin-ner	Butt

16 USE OF LURES OR BAIT WITH ROD AND LINE

- A** No lure or bait other than an artificial fly shall be used before 15th day of May in any calendar year in connection with fishing with rod and line for salmon or migratory trout.
- B** During the annual close season for freshwater fish and eels no person shall use any maggot (or pupae), processed product, cereal or other vegetable matter as bait for fishing with rod and line.

17 LIMIT ON THE NUMBER OF FISH WHICH MAY BE PERMANENTLY REMOVED FROM THE WATER

- A** No person shall remove permanently any live or dead freshwater fish other than grayling from any waters or banks without the written consent of the Authority.
- 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 or two grayling without the written consent of the Authority.
- C** This Byelaw shall not apply to any person who
 - (i)** takes pike or eels; or
 - (ii)** who takes freshwater fish if he keeps the same alive in a keepnet, keep sack or tunnel and returns them to the same waters immediately on ceasing to fish that day.

18 PROHIBITION ON USE OF LEAD WEIGHTS

- A** Subject to paragraph B below no person shall use for taking salmon, trout, freshwater fish or eels in any inland water within the Wessex Region any fishing line to which is attached directly or indirectly any lead in the form of a lead weight.
- B** Paragraph A above does not prohibit the use of a lead weight of 0.1 grams or less or of more than 28 grams.

- C For the purposes of this Byelaw:
- (i) "lead" means any metal or alloy or compound of lead;
 - (ii) "lead weight" means a weight of split shot or any other thing suitable for weighting fishing lines and made of lead which is neither incorporated and fully enclosed in the core of a fishing line nor incorporated in the construction of a swim-feeder, a self-cocking float or a fishing lure;
 - (iii) "fishing lure" means any device, including a fishing fly, which is designed to attract fish and which incorporates a fishing hook.

19 PLACING AND USE OF FIXED ENGINES

- A The placing and use of licensed fyke nets, baskets and fixed traps in non-tidal waters is authorised throughout the Wessex Region.
- B Fixed nets (other than fyke nets) in tidal waters should be clearly identified by coloured marker buoys and bear the name and address of the owner.
- C The placing and use of fixed engines is authorised in tidal waters and those parts of the sea that lie within the Wessex Region except the use of fixed engines (other than fyke nets and baskets) in the following places:
- (1) Avon Dorset Area**
- (a) In Christchurch Harbour to the west of a line drawn true southeast from the southeastern-most corner of Haven House Inn at Mudford Quay near Christchurch between the limits of ordinary high water on each side of the entrance channel which includes the whole of Christchurch Harbour and such areas of any other waters entering the Harbour which lie below the limits of ordinary high water, except that area of the public fishery lying seaward of a line drawn from Inveravon to the Bunny (or The Canal) on Hengistbury Head and lying north of the main channel where the use of fixed engines will be permitted between 30th September in any year and the following 15th February;

- (b) that part of the sea demarcated by a line at or near the mouth of the River Avon drawn true southeast from the southeastern-most Corner of Haven House Inn at Mundeford Quay near Christchurch to a point ($50^{\circ} 43.18' N, 01^{\circ} 44.03' W$) distant six hundred and ten metres therefrom thence continued straight in a north-easterly direction to a point ($50^{\circ} 43.92' N, 01^{\circ} 42.75' W$), true south of, and distant six hundred and ten metres from, the southwestern-most corner of the building known as Highcliffe Castle, and thence continued straight to such southwestern-most corner except that bottom nets will be permitted between 30th September in any year and the following 15th February.

(ii) Bristol Avon Area

That area and part of the River Avon (Bristol) and harbours creeks and areas of the tidal river which lies below Netham Dam to a line drawn from the end of South Pier at Avonmouth to the end of the East Pier at the entrance to the Royal Portbury Dock;

(iii) Somerset Area

- (a) That area enclosed within a triangle with its apex drawn 500 metres true northeast from the end of the discharge pipe of the River Avill (river channel) to connect to points 250 metres either side of the mouth of that River;
- (b) that area enclosed within a triangle with its apex drawn 500 metres true northeast from the end of the apron of the River Avill (flood relief channel) to connect to points 250 metres either side of the mouth of that River;
- (c) that area contained within a triangle drawn from the Lime Kiln at Watchet to a point 500 metres along the sewer outfall pipe and then to Watchet Lighthouse;

- (d) that area contained within a rectangle drawn from points 500 metres either side of the mouth of the Doniford River and lines extended true north to seaward of these points to the limit of the lowest astronomical tide;
- (e) that area of the sea which lies within a line drawn from the western extremity of Brean Down to a point $51^{\circ} 20.6' N$, $03^{\circ} 03.85' W$ to $51^{\circ} 14.5' N$, $03^{\circ} 03.7' W$ in the Parrett Estuary to Stert Point to include the River Parrett over its tidal length to Burrow Bridge, except that the use of fixed engines will be permitted between 30th September in any year and the following 1st April;
- (f) that area of sea which lies within a line drawn true west from St Thomas's Head for 4 kilometres and then true south to intersect a line drawn true west from the Public House (The Long John Silver) for 2.4 kilometres except that the use of fixed engines will be permitted between 30th September in any year and the following 1st April.

20 REVOCATION OF EXISTING BYELAWS

The following Byelaws made under the Salmon and Freshwater Fisheries Act 1975 are hereby revoked:

- Byelaws made on 19th February 1982,
operational on 17th December 1982;
- Byelaws made on 10th April 1987,
operational on 1st July 1987;
- Byelaws made on 19th January 1988,
operational on 22nd November 1988.

These Byelaws were made this 22nd of December 1992.

K. Bryan

Regional General Manager, National Rivers Authority,

South Western Region

IN WITNESS whereof of the seal of
NATIONAL RIVERS AUTHORITY was hereunto affixed on this
day of 23 December 1992.

Secretary and Solicitor

Seal of the National Rivers Authority

These Byelaws were confirmed by the Ministry of Agriculture,
Fisheries and Food on 8 November 1993.

MEMORANDUM

- 1 The annual close season for fishing for freshwater fish and eels is the period between the 14th March and the 16th June following (Salmon and Freshwater Fisheries Act 1975 Schedule 1).
- 2 It is an offence to introduce, or have in your possession intending to introduce, into an inland water other than a fish farm in the region any fish or spawn of fish, unless you first obtain written consent of the Authority (Salmon and Freshwater Fisheries Act Section 30).
- 3 It is an offence under the Salmon and Freshwater Fisheries Act 1975, carrying a maximum fine of £2,500 to:
 - (a) Fish with rod and line without a valid Authority licence (S27);
 - (b) Fish during the close season (S19);
 - (c) Fail to give one's correct name and address to a Water Bailiff (S35).

It is also an offence to fish in private waters without the owner's permission (paragraph 2 of the 1st Schedule to the Theft Act 1968).

- 4 Anglers' attention is drawn to the fact that club rules and regulations must be observed.

OFFICERS' ADDRESSES

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*(Formerly Bristol Avon and
Somerset Areas)*

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NRA South Western Region

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SOUTH WESSEX AREA

(Formerly Avon and Dorset Area)

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