

**ENVIRONMENT AGENCY**  
**SOUTHERN REGION FISHERIES BYELAWS**  
**Update 2002/03**

*Welcome to the Environment Agency, Southern Region. This document provides all the necessary Byelaw information that you will require to fish legally in this Region. Whether participating in recreational angling or commercial fishing please follow these Byelaws to help us protect the beautiful water environment for your and future generations enjoyment.*



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1. **Application of Byelaws**

These Byelaws shall apply to the Southern Region of the Environment Agency with the exception of the catchment of the Rivers Darent and Cray in Kent where Thames Region Byelaws apply.

2. **Interpretation**

- (a) Under the Transitional Provisions of the Water Act 1989, Environment Act 1995 and the associated Orders references in these Byelaws to the Southern Water Authority are shown below as the Environment Agency or the Agency.
- (b) Other expressions shall have the meaning assigned to them by Section 41(1) of the Salmon and Freshwater Fisheries Act 1975.
- (c) In these Byelaws unless the context otherwise requires:-  
"Agency" means the Environment Agency;
- (d) "Southern Region" means the area of the Agency where the former Southern Region of the National Rivers Authority carried out its functions in relation to fisheries under the Water Resources Act 1991;
- (e) The meaning of the word drain shall not be confined to that assigned to it by the Salmon and Freshwater Fisheries Act 1975 or the Water Resources Act 1991.
- (f) Any lake, reservoir or pond which discharges to any river, stream, canal or drain shall not itself be regarded as a river, stream, canal or drain.
- (g) Non-native fish means either fish species not ordinarily resident in England or Wales or species included in Part 1 of Schedule 9 of the Wildlife and Countryside Act 1981.

3. **NATIONAL BYELAW 3 PHASE 1 Migratory Salmonid Catch Returns**

Replaces Regional Byelaw 3

*Confirmed 18<sup>th</sup> Dec 1996*

*Date of implementation 31<sup>st</sup> Dec 1996*

- (1) All licensed salmon and sea trout anglers must make a return by 1<sup>st</sup> January in the following year. This includes "Nil" returns. The return form is attached to the angler's rod licence.
- (2) All licensed salmon and sea trout netmen must make monthly returns within 7 days of the end of each month during the fishing season. This includes "Nil" returns. Agency Regions shall provide return forms to licensed netmen.

4. **Annual Close Season for Salmon (Rod and Line)**

The annual Close Season for fishing for salmon with rod and line shall be the period between October 2<sup>nd</sup> and January 17<sup>th</sup> following. Dates not inclusive.

5. **Annual Close Season for Migratory Trout (Rod and Line)**

The annual Close Season for migratory trout with rod and line shall be the period between October 31<sup>st</sup> and May 1<sup>st</sup> following. Dates not inclusive.

6. **Annual Close Season for Non-Migratory including Rainbow Trout**

The annual Close Season for fishing for non-migratory trout with rod and line on all waters shall be the period between October 31<sup>st</sup> and April 3<sup>rd</sup> following. Dates not inclusive.

EXCEPT THAT – Please see **National Byelaw 7 Phase 1 – Rainbow Trout Close Season**

7. **Prohibited Modes of Fishing**

During the annual Close Season for freshwater fish (the period between March 14<sup>th</sup> and June 16<sup>th</sup>) no person shall fish with rod and line for salmon, migratory trout or non-migratory trout (including rainbow trout), other than with an artificial fly or lure, without the previous consent of the Agency in writing.

8. **Prohibited Instruments**

The use of any instrument (not being a fixed engine) for taking salmon, trout or freshwater fish is hereby prohibited. Provided that this Byelaw shall not apply to:

- (a) the use of rod and line (which shall not be left unattended) and a landing net or tailer used as auxiliary to angling with rod and line;
- (b) the use of a licensed net for salmon or migratory trout;
- (c) the use with previous consent in writing of the Agency of any instrument in connection with:
  - (i) stocking, restocking or breeding fish
  - (ii) scientific purposes
  - (iii) improvement or preservation of a several fishery
  - (iv) any other purpose approved by the Agency
- (d) the use of any instrument by an officer of the Environment Agency acting in their official capacity.

8A. **Prohibition on the use of lead weights**

- (i) Subject to paragraph (ii) below, no person shall on or after June 1<sup>st</sup> 1987 use for taking salmon, trout, freshwater fish or eels in any waters within the Southern Region Fisheries Area any fishing line to which is attached, directly or indirectly, any lead in the form of a lead weight.
- (ii) Paragraph (i) above does not prohibit the use of a lead weight 0.06 grams or less, or of more than 28.35 grams.

**Interpretation**

For the purpose of this Byelaw: “lead” includes any alloy or compound of lead; “lead weight” means split or shot or any other thing suitable for weighting fishing lines which is neither incorporated and fully enclosed in the core of the fishing line, nor incorporated in the construction of a swim-feeder, self-cocking float or a fishing lure; “fishing lure” means any device, including a fishing fly, which is designed to attract fish and which incorporates a fishing hook.

9. **Taking of Undersized Trout**

No person shall take any trout of a size less than hereinafter specified: migratory trout 38cm; non-migratory trout 23cm. The size shall be measured from the tip of the snout to the fork or cleft of the tail when the fish is laid flat. PROVIDED that this Byelaw shall not apply to any person who: (a) takes any undersized trout unknowingly or unintentionally if he at once returns it to the water with as little injury as possible or: (b) with the previous consent in writing of the Agency (which may be given subject to such conditions as the Agency thinks fit), takes any undersized trout for scientific purpose or for the purpose of protecting, improving or replacing stocks of fish. (c) being the owner or occupier of a fish farm (or the servant or agent of any such owner or occupier) takes any undersized trout from that fish farm.

10. **Annual Close Season for Salmon and Migratory Trout (Netting)**

The annual Close Season for fishing for salmon and migratory trout otherwise than with rod and line, shall be the period between July 31<sup>st</sup> and February 15<sup>th</sup> following.

11. **The Weekly Close Season for fishing for Salmon and Migratory Trout other than with Rod and Line**

The weekly Close Season for fishing for salmon and migratory trout otherwise than with rod and line, shall be the period between the hour of 6.00 on Saturday morning and the hour of 6.00 on the following Monday morning.

12. **Kind of nets that may be lawfully used for Salmon and Migratory Trout.**

The length, size and description of nets, and the manner for using the same (not being with fixed engines) which may be lawfully used for taking salmon or migratory trout in the Southern Region Fisheries Area shall be as follows:

Draft or Seine nets:

Such nets shall be armoured nets, consisting of a single sheet or wall of netting not more than 185 metres in length measured along the head rope when wet, and not more than 7.5 metres in depth and shall be used by holding one end of the net on the shore or bank, and shooting the net from a boat which shall start from such a shore or bank and return without delay to the shore or bank from which it started, and then drawing the net to such a shore or bank.

13. **Night netting**

The use in any inland water in the Southern Region Fisheries Area of any net for the taking of fish except a landing net or eel net between the expiration of the first hour after sunset and the commencement of the last hour before sunrise is hereby prohibited.

14. **Numbering of Nets**

Each licence for a net shall be distinguished by a number. The label issued by the Agency with each licence and bearing the number of such licence shall be attached and shall be maintained attached, to the head-rope of the net for the use of which the licence is granted.

15. **Carrying of Unlicensed nets**

The carrying in a boat or vessel whilst being used in fishing for salmon or trout any unlicensed net, other than a landing net, or of any licensed net which does not have attached to the label prescribed in byelaw 14 is hereby prohibited.

16. **Fixed Engines**

"The placing and use of Fyke nets and other fixed engines is hereby authorised in the circumstances described below:"

(a) Fyke nets may be placed and used for the purposes of taking eels subject to the following conditions.

i. The net and leader shall be constructed of a material with a mesh size of not less than 19mm and not greater than 36mm full stretched mesh, if knotted, and not less than 12mm and not greater than 23mm internal diameter, if knotless.

ii. The leader length shall not exceed 10 metres and its height shall not be greater than the net aperture.

iii. The net aperture shall not exceed one metre at its widest point

iv. Each net placed and used alone or each string of nets shall be attached to a buoy.

(b) Traps other than fyke nets may be placed and used for taking eels subject to the following conditions.

**Either**

(a) they consist on an implementation **USED ON OR BEFORE** the 1<sup>st</sup> day of March 1988 fixed to the bed of an inland water such that eels may be separated from the body of water by a system of bars, grids or meshes and from which the trapped eels are prevented from escaping

**or**

(b) they consist of other implements subject to the following conditions:

i. there shall be no leader

ii. the dimensions shall not exceed 2.0 x 0.75 x 0.75 metres

- iii they shall be constructed of a material with a mesh size of not less than 19mm and not greater than 36mm full stretched mesh, if knotted, and not less than 12mm and not greater than 23mm internal diameter, if knotless.
- (c) Owners of fish farms and their agents and employees in the normal course of business may use any fixed engine, within the confines of their fish farms, for taking or facilitating the taking of salmon and trout (including Rainbow Trout) reared on the premises or freshwater fish or eels.
- (d) Officers of the Agency, and other persons with the previous written consent of the Agency, may use any fixed engine for taking or facilitating the taking of salmon, trout, rainbow trout, freshwater fish or eels for scientific purposes or for the better management, protection preservation and improvement of any fisheries in the Agency's area.

In this byelaw unless the context otherwise require:

"Fixed Engine" shall have the same meaning as in the Salmon and Freshwaters Fisheries Act 1975. "Freshwater Fish" shall have the same meaning as in the Salmon and Freshwaters Fisheries Act 1975; "Inland Water" has the same meaning as in the Water Resources Act 1991.

NOTE: Please refer to the Salmon and Freshwater Fisheries Act 1975 Section 25 for licencing requirements.

## **NATIONAL FISHERIES BYELAWS**

### **PHASE 1**

#### **4. Use of a Gaff**

*Confirmed 14<sup>th</sup> March 1997*

*Date of implementation 1<sup>st</sup> April 1997*

The use of a gaff is prohibited at all times when fishing for salmon, trout, freshwater fish or freshwater eels.

#### **5. Keepnets, keepsacks and landing nets**

*Confirmed 14 March 1997*

*Date of implementation 1 April 1998*

(1). A person shall be guilty of an offence if, after 1 April 1998, he uses: -

(a) A landing net with any knotted meshes or meshes of metallic material or

(b) A keepnet;

(i) With any knotted meshes or meshes of metallic material; or

(ii) Having any holes in the mesh larger than 25mm internal circumference; or

(iii) Of less than 2.0 metres in length; or

(iv) With supporting rings or frames greater than 40cm apart (excluding the distance from the top frame to the first supporting ring or frame) or less than 120cm in circumference.

(c) A keepsack;

(i) Not constructed of a soft, dark coloured, non-abrasive, water permeable fabric; or

(ii) Having dimensions of less than 120cm by 90cm if rectangular; or

(iii) 150cm by 30cm by 40cm if used with a frame or designed with the intention that a frame be used.

(2) Any person shall be guilty of an offence if, after 1 April 1998, he retains more than one fish in a single keepsack at any time.

(3) This byelaw shall not apply to any keepnet or keepsack used for retaining eels which have been legally taken by instruments other than rod and line.

(4) This byelaw was made taking account of the requirement for notification to the European Commission under Council Directive 83/189/EEC.

#### **6. Coarse Fish Close Season**

(Amended)

*Confirmed 14 March 2000 (England)*

*Confirmed 2 March 2001 (Wales)*

*Date of implementation 15 March 2000 (England)*

*Date of implementation 15 March 2001 (Wales)*

The annual coarse fish close season (15 March to 15 June inclusive) **applies** to the following waters:

(a) **All** rivers, streams and drains;

(b) In all waters in the Sites of Special Scientific Interest and the Broads;

**Note:** Eels - There is no close season on those waters where the statutory close season for freshwater fish has been dispensed with.

7. **Rainbow Trout Close Season**

*Confirmed 14<sup>th</sup> March 1997*

*Date of implementation 1<sup>st</sup> April 1997*

There is no annual close season for fishing for rainbow trout by rod and line in all reservoirs, lakes and ponds.

9. **Brown Trout Close Season**

*Confirmed 14 March 1997*

*Date of implementation 1 April 1997*

**All waters** are subject to an annual brown trout close season, although dates vary according to local byelaws.

8. **Use of rods**

*Confirmed 14<sup>th</sup> March 1997*

*Date of implementation 1<sup>st</sup> April 1997*

**Rod limits**

TYPES OF FISH	RIVERS, STREAMS, DRAINS & CANALS.	RESERVOIRS, LAKES & PONDS
<b>Salmon Sea Trout (Migratory trout)</b>	1 ROD	2 RODS*
<b>Trout (Non-migratory) Char</b>	1 ROD	2 RODS*
<b>Coarse Fish &amp; Eels</b>	4 RODS*	

**\* 2 licences required**

When fishing with more than one rod and line at the same time, the aggregate number must not exceed a total of four.

When fishing with multiple rods and lines, rods must be placed such that the distance between the butts of the end rods does not exceed three metres.

**Note:** The above rod limits are subject to the correct number of rod licences being held.

- A salmon & sea trout licence authorises only one rod per licence when fishing for salmon, sea trout or trout, or two rods per licence when fishing for coarse fish and eels.
- A trout and coarse licence authorises one rod when fishing for trout or two rods when fishing for coarse fish and eels.

**NATIONAL BYELAWS PHASE 2**

3. **Use of Crayfish as Bait**

*Confirmed 26<sup>th</sup> May 2001*

*Date of implementation 27<sup>th</sup> May 2001*

Any person who in fishing for salmon, trout, freshwater fish or eels, uses as bait crayfish of any species whether alive or dead, or parts thereof, shall be guilty of an offence.

4. **Otter Guards**

*Confirmed 26<sup>th</sup> May 2001*

*Date of implementation 25<sup>th</sup> June 2001*

- (i) Failure to fit an otter guard to all eel fyke nets and eel traps where the entrance to the net or trap is greater than 95 millimetres internal diameter shall be an offence.
- (ii) The otter guard shall consist of either :-
  - (a) tightly stretched flexible netting with a mesh size measured when wet of not more than 75 mm knot to knot or 300mm round the perimeter; or
  - (b) a rigid square grid with bars separated by not more than 85mm; or
  - (c) a rigid ring with internal diameter of not more than 95mm; and shall be fitted to the funnel leading to the first chamber of the net or trap.
- (iii) The requirement for otter guards shall extend to the 6 mile limit in coastal waters.

7. **Return of Foul Hooked Fish**

*Confirmed 26<sup>th</sup> May 2001*

*Date of implementation 27<sup>th</sup> May 2001*

It shall be an offence to fail to return immediately all salmon, migratory trout or trout, hooked other than in the mouth or throat, to any river, stream, drain or canal.

8. **Use of Live Fish for Bait**

*Confirmed 26<sup>th</sup> May 2001*

*Date of implementation 27<sup>th</sup> May 2001*

Any person who takes fish for use as live bait shall be guilty of an offence unless the fish are retained at and used only in the water from which they were taken.

This byelaw shall not apply to any fish introduced as live bait under and in accordance with a consent issued under Section 30 of the Salmon and Freshwater Fisheries Act 1975.

9. **Eel Net Catch Returns**

*Confirmed 26<sup>th</sup> May 2001*

*Date of implementation 27<sup>th</sup> May 2001*

Any person to whom a licence 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 licence (or by 31 July for elvers), 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 licence period or be guilty of an offence.

10. **Unattended rods**

*Confirmed 26<sup>th</sup> May 2001*

*Date of implementation 27<sup>th</sup> May 2001*

Any person who leaves a rod and line with its bait or hook in the water unattended or so that the person shall be unable at any time to take or exercise sufficient control over said rod and line shall be guilty of an offence.