

Eel and Elver Fishing Byelaws

This booklet contains all legislation relevant to anyone wishing to fish for glass eels, elvers, yellow eels and silver eels. All national byelaws and regional byelaws are listed.

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1. Authorised Eel fishing instruments

Eel fishing is usually carried out using static instruments anchored to the bed of the water being fished and are therefore classed as 'fixed engines'. Section 6 of the Salmon and Freshwater Fisheries Act 1975 makes it illegal to place and use any fixed engine unless it is authorised by byelaw.

The 2004 National Eel Fishing Byelaws authorise the following instruments for eel fishing as follows:

- i) **Permanently fixed traps**, e.g. Weir or rack traps and putts;
- ii) **Moveable or temporary nets or trap without leaders or wings with an opening with a maximum diameter of less than 75cm**, e.g. Putcheons, some fyke nets, pipe traps, criggs, pots, baskets and hives;
- iii) **Moveable or temporary nets or traps with leaders or wings with an opening with a maximum diameter of less than 1 metre**, e.g. Wing nets, eel sets and most fyke nets;
- iv) **Gloucester wing nets** - Large fyke nets used on the River Severn, not exceeding 25 metres in length and with leaders of up to 7 metres;
- v) **Hand held elver dip nets.**

2. Definition

As defined in the Salmon and Freshwater Fisheries Act 1975, unless the context otherwise requires, "eels" includes elvers and the fry of eels. For the purpose of these byelaws, an elver is an eel less than 12 cm in length.

3. National Eel Fishing Byelaws (2004)

The Environment Agency, in exercise of its powers under section 210 of and Schedule 25 to the Water Resources Act 1991 and all other powers enabling it in that behalf, makes the following Byelaws (confirmed November 2004).

Byelaw 1 Application of Eel Byelaws

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;

"South West Region" means the area of the Agency where the former South Western Region of the National Rivers Authority carried out its functions in relation to fisheries under the Water Resources Act 1991, formerly the South West Region (comprising Devon and Cornwall areas) and Wessex Region, which areas were identified as the area of the South West Water Authority and Wessex Water Authority as provided by paragraph 1(2)(a) of Schedule 17 to the Water Act 1989;

"Anglian Region" means the area of the Agency where the former Anglian Region of the National Rivers Authority carried out its functions in relation to fisheries under the Water Resources Act 1991 and which area was identified as the area of the Anglian Water Authority as provided by paragraph 1(2)(a) of Schedule 17 to the Water Act 1989;

"Welsh Region" means the area of the Agency where the former Welsh Region of the National Rivers Authority carried out its functions in relation to fisheries under the Water Resources Act 1991 and which area was identified as the area of the Welsh Water Authority as provided by paragraph 1(2)(a) of Schedule 17 to the Water Act 1989;

"Thames Region" means the area of the Agency where the former Thames Region of the National Rivers Authority carried out its functions in relation to fisheries under the Water Resources Act 1991;

"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;

"North East Region" means the area of the Agency where the former Northumbria & Yorkshire Region of the National Rivers Authority carried out its functions in relation to fisheries under the Water Resources Act 1991, formerly the Northumbria Region and Yorkshire Region, and which areas were identified as the area of the Northumbrian Water Authority and Yorkshire Water Authority as provided by paragraph 1(2) (a) of Schedule 17 to the Water Act 1989;

"North West Region" means the area of the Agency where the former North West Region of the National Rivers Authority carried out its functions in relation to fisheries under the Water Resources Act 1991 and which area was identified as the area of the North West Water Authority as provided by paragraph 1(2)(a) of Schedule 17 to the Water Act 1989;

"Midlands Region" means the area of the Agency where the former Severn Trent Region of the National Rivers Authority carried out its functions in relation to fisheries under the Water Resources Act 1991;

(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 anguillid not exceeding 120mm in length.

Byelaw 3 Restrictions on Fishing for Eels and Elvers

(1) Any person who fishes for elvers on any watercourse in England or Wales, except on 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 Greenodd in Cumbria, NGR SD317827, shall be guilty of an offence.

(2) Any person who trawls for eels outside the permitted zone specified below shall be guilty of an offence. The zone shall not extend south of a line drawn 90 degrees true east from North Foreland Lighthouse (latitude 51 degrees 22.485 minutes north, longitude 1 degrees 26.71 minutes east). This line shall extend to six miles from mean high water springs. The zone shall not extend north of a line drawn 90 degrees true east from Foulness Point (latitude 51 degrees 37.04 minutes north, longitude 0 degrees 57.23 minutes east). This line shall extend to six miles from mean high water springs. The zone shall not extend into the Medway estuary upstream of a line drawn across the River Medway, on a bearing of 300 degrees true from Garrison Point (latitude 51 degrees 26.832 minutes north, longitude 000 degrees 44.599 minutes east) through Grain Tower (latitude 51 degrees 27.097 minutes north, longitude 000 degrees 43.868 minutes east) to the point of mean high water springs on the shore of the Isle of Grain. The zone shall not extend into the Swale south west of a line drawn across the Swale on a bearing of 272 degrees from the tip of the western arm of Whitstable harbour (latitude 51 degrees 21.838 minutes north, longitude 1 degrees 1.485 minutes east) to mean high water springs on the southern tip of Shell Ness, Isle of Sheppey (latitude 51 degrees 22.03 minutes north, longitude 000 degrees 56.62 minutes east). The zone shall not extend into the Thames upstream of the Yantlet line, that is a line across the Thames from the London Stone North level in the Isle of Grain in the county of Kent (latitude 51 degrees 28.523 minutes north, longitude 0 degrees 40.70 minutes east) to the City or Crow Stone opposite Canvey Island in the county of January 2007 Essex (latitude 51 degrees 32.15 minutes north, longitude 0 degrees 40.618 minutes east).

(3) Any person who fishes for eels using a Gloucester wing net outside that part of the River Severn and its tributaries located in the Midlands Region shall be guilty of an offence.

(4) Any person who fishes for eels using a permanently fixed trap (weir trap or eel rack) within the North East Region shall be guilty of an offence.

Explanatory note

This note is not part of the Byelaw. The purpose of this Byelaw is to restrict fishing for elvers with dip nets and eels with certain instruments to the areas where it currently takes place. The

intention is to maintain these fisheries without allowing expansion, which could increase fishing mortality significantly.

Byelaw 4 Types of Instrument for Taking Eels

(1) It shall be an offence to 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). Permanently fixed structures may not be used in the area specified in Byelaw 3

(i) 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.

(iv) Gloucester Wing Net – shall be a conical net with inscales and with two wings acting as leaders. The overall length of the net exclusive of the wings, but inclusive of the cod end, shall not exceed 25 metres, with each of the two wings not exceeding 7 metres in length.

Gloucester wing nets may only be used in the area specified in Byelaw 3.

(D) Elver Dip Nets, being 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. No elver dip net shall be used outside the area specified in Byelaw 3.

(E) Eel trawls, provided that no eel trawl shall be used outside the area specified in Byelaw 3(2), and shall conform to the regulations controlling mesh

sizes and by-catch set out in EC Regulation 850/98, that is eels can be landed using a trawl containing meshes between 16 and 31 mm only if they comprise at least 60% of the legal landed catch. It shall be an offence to fail to return any salmon, migratory trout, trout or freshwater fish caught in any instrument licensed to take eels as soon as practicable to the same water from which it was taken and with as little injury as possible. Except when taken in an elver dip net, it shall be an offence to 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. No part of any net, wing or leader (not being towed gear) 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). Except for an elver dip net, the use of any net for taking eels made wholly or partly of monofilament material is prohibited.

Explanatory note

This note is not part of the Byelaw. A licence to use the above instruments must be obtained from the Agency before fishing. A licence does not give the right to fish in any water, and the permission of the owner of the fishing rights must be obtained.

Byelaw 5 Mode of Use of Instruments for Taking Eels

(1) Any person who, when placing or using any instrument for taking eels, other than permanently fixed structures, in any water in the Agency's area, sets it such that any part capable of retaining fish becomes completely exposed from the water and fails to inspect it and remove any fish caught before it is completely exposed, shall be guilty of an offence.

Explanatory note

This note is not part of the Byelaw. The purpose of this section of the Byelaw is to protect eels less than 30cm and other fish caught as a by-catch. The intention behind this section is that fish caught in the net will not be killed by the net drying out. Nets set above the low water mark in tidal waters must therefore be inspected before being completely uncovered by the falling tide.

(2) Any person who, when placing or using any instrument or groups of instruments for taking eels in any watercourse, sets them so that the width or combined width thereof exceeds one half the width of the watercourse, shall be guilty of an offence.

(3) A fyke net and leader shall be fished parallel with the flow in the watercourse, 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. This section shall only apply to the fyke nets set on non-tidal rivers, streams and drains.

Explanatory note

This note is not part of the Byelaw. The purpose of sections (2) & (3) of this Byelaw is to allow free passage of eels. The intention behind these sections is that, by restricting fishing to half the width, and allowing a gap of 30metres between nets, not all eels migrating downstream would be caught.

(4) Except where authorised by the Agency any person who fishes for eels with any instrument other than rod and line in any waters within 10 metres above and 10 metres below any dam or any obstruction, whether natural or artificial, which hinders the passage of eels, shall be guilty of an offence. The 10 metre limits referred to shall be measured from such point on the specified obstruction as shall be the furthest upstream or downstream extent respectively of the said obstruction, and this limit shall have effect and extend to the same extent on either bank of the relevant watercourse.

(5) In addition to the restrictions on the use of elver dip nets in Byelaws 3(1) and 4(1)(d) the following shall apply:

(i) It shall be an offence to fish with more than one elver dip net.

(ii) Any person who, when fishing an elver dip net fails to operate it by hand, shall be guilty of an offence.

(iii) Any person who operates an elver dip net from a boat or uses an elver dip net in conjunction with any other instrument or method, including ropes, chains or floats shall be guilty of an offence.

(6) Any person to whom a licence to use an instrument for taking eels or elvers has been issued who fails to attach a tag or label provided by the Agency for the current licence period to said instrument shall be guilty of an offence.

(i) Any person who fails to maintain the tag or label so attached to said instrument at all times shall be guilty of an offence.

Byelaw 6 Exemptions

These Byelaws shall not apply; where the use is authorised by the previous consent in writing of the Agency of any instrument in connection with scientific purposes, improvement or preservation of a fishery or any other purpose approved by the Agency, or the use of any instrument by an officer of the Agency acting in his official capacity; where the use of any net or other instrument is used by the owners or agents of fish farms engaged in the propagation or culture of fish in the normal course of business within the confines of such premises.

Byelaw 7 Amendments and Revocations to Existing Eel Fishing Byelaws

(1) The amendments to existing byelaws set out in Schedule 1 shall have effect.

(2) The revocations of existing byelaws set out in Schedule 2 shall have effect.

Explanatory note

This note is not part of the Byelaw. These national byelaws have standardised most eel fishing byelaws. Many regional byelaws are revoked or amended to retain the parts relating to fishing for other species, or where individual regions require more stringent regulations.

National Fisheries Byelaws Phase 2 (2001)

Byelaw 4 Otter Guards

(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.

Byelaw 9 Eel Net Catch Returns

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.

These national eel fishing byelaws have standardised regional byelaws with most being either revoked or amended to retain sections that relate to fishing for other species. However, where individual regions require more stringent regulations than provided by the national byelaws, then these have been retained.

Regional Byelaws

North East Region Byelaw 16, Authorisation of fixed engines

Authorisation is hereby given to the placing and use of:

(A) instruments for the taking of eels licensed by the Agency within the Area excluding:

i) the River Esk upstream of a straight line drawn between the seaward end of the pier extensions at Whitby,

ii) the Yorkshire River Derwent,

iii) Staithes Beck.

iv) the non-tidal waters of any rivers which drain into the River Humber.”

South West Region Byelaw SW 10

(1) The only fixed engines which may be placed and used in any tidal waters and in discrete waters are instruments licensed for the taking of eels.

(2) No instrument licensed for taking eels shall be placed in any river or stream upstream of an imaginary line drawn across:-

- (A)** the River Axe at its confluence with the River Coly;
- (B)** the River Coly at its confluence with the River Axe;
- (C)** the River Otter where it flows into the sea;
- (D)** the River Exe due Southwest from Retreat House, Topsham;
- (E)** the River Clyst at the weir at NGR SX 970 882;
- (F)** the River Teign at the railway bridge at Newton Abbot;
- (G)** the River Dart along the boundary of the parish of Berry Pomeroy where it crosses the river at the lower end of Fleet Mill Reach;
- (H)** Bow Creek near its confluence with the River Dart from NGR SX 8370 5690 to SX 8360 5660;
- (I)** the River Avon at the road bridge at Aveton Gifford;
- (J)** the River Erme drawn due West from Cling Mill Point at NGR SX 623 488
- (K)** the River Torridge at the old railway bridge at Landcross;
- (L)** the Bideford Yeo at its confluence with the River Torridge;
- (M)** the River Taw from Strand Hard Perch at NGR SS 528 345 to the opposite bank at NGR SS 523 343;
- (N)** the River Caen at its confluence with the River Taw;
- (O)** Fremington Pill at its confluence with the River Taw;
- (P)** the River Tamar near Cotehele Quay from NGR SX 4238 6804 to SX 4245 6800;
- (Q)** the Cotehele Stream at its confluence with the River Tamar;
- (R)** the River Tavy from Bere Ferrers Quay to the Southern bank of the Blaxton Stream at its confluence with the River Tavy;
- (S)** the River Lynher at the railway viaduct at NGR SX 379 578;
- (T)** the River Tiddy at the railway viaduct at NGR SX 364 573;
- (U)** the River Plym on the A38 road bridge at NGR SX 518 566;
- (V)** the Cofflete Creek from Steer Point due true West to the opposite bank;
- (W)** the River Yealm from Steer Point due true East to the opposite bank;
- (X)** the River Camel from the Eastern end of the disused railway viaduct crossing Pinkstone Creek to the opposite bank at NGR SW 9470 7425;
- (Y)** the River Fowey due true West from St Winnow church;
- (Z)** the River Lerryn at the road bridge at Lerryn;
- (AA)** the River Fal along the line of the King Harry Ferry;
- (BB)** the River Helford along the line of the ferry at Helford Passage;
- (CC)** the River Percuil from Castle Point to Carricknarth Point;
- (DD)** Restronguet Creek from Restronguet Point at NGR SX 818 371 to the opposite bank at NGR SX 817 369;
- (EE)** Flushing Creek along the line of the ferry from NGR SX 808 337 to NGR SX 808 331;
- (FF)** the East Looe River at the railway bridge at NGR SX 248 557;
- (GG)** the West Looe River, due South from the West end of Trenant Wood at

NGR SX 244 544

(3) Nothing in this byelaw shall authorise the placing or use of a fixed engine in any place within the Sea Fisheries District of a local Sea Fisheries Committee.

(4) Any trap or fyke net licenced for the taking of eels shall comply with the following requirements:

(A) any fyke net shall not be used with wingwalls, but may be fitted with a single leader;

(B) each net or trap shall be marked by a buoy attached to it on which is clearly displayed a mark corresponding with the identity tag on the trap or net;

(C) each net or trap shall be examined at intervals of not more than thirty hours save that if weather conditions make it such examination unsafe it shall be carried out as soon thereafter as is safe.”

Southern Region Byelaw 16 Fixed engines

(1) Fyke nets placed and used either alone or in strings for the purpose of taking eels shall be attached to a buoy.

Environment Agency Wales Byelaw 3 Placing and use of fixed engines

(1) It shall be lawful for any person to place or use a fixed engine for the purpose of taking eels in any tidal or inland waters, subject to compliance with the following condition:

(A) Any person placing or using a fixed engine in any inland waters must inspect that engine at least once during any 48 hour period, and any person placing or using a fixed engine in any tidal waters must inspect that engine at least once every two tides if set below the low water mark or at every low tide if set between the low and high water marks.

(2) In this byelaw inland or tidal waters do not include –

(A) those waters within the sea fisheries district of the North Western and North Wales Sea Fisheries Committee, as defined in article 2(2) of the North Western and North Wales Sea Fisheries District Order 1986 (SI 1986/ 1201);

(B) those waters within the sea fisheries district of the South Wales Sea Fisheries Committee, as defined in article 2(1) of the South Wales Sea Fisheries District (Variation) Order 1980 (SI 1980/823); and

(C) those waters forming part of the Severn Estuary within the scope of the byelaws of the former National Rivers Authority numbered 3(a) and

(D) made on 16th July 1990 and confirmed by the Secretary of State for Wales on 5th August 1992 and the Minister of Agriculture, Fisheries and Food on 11th August 1992.”