

ANGLING  
TRUST



FISH  
LEGAL



## The NEW Elementary Guide to Freshwater Fisheries Enforcement

### Introduction

To fight back against Fisheries Crime and protect our fish and fisheries, first we need to understand the law and how the intelligence-led enforcement system works – so that we can make it work for and not against us.

This elementary Guide, produced in partnership with the Environment Agency will explain the basics of what all freshwater anglers in England need to know.

This Guide replaces that issued in October 2013.

### Fishing in Private Waters Without Consent – a Criminal Offence

- This means fishing without permission.
- Where a private right of fishery exists, permission must always be sought from the controller of fishing.
- Permission is usually given by way of a day, season or angling club permit.
- Someone fishing without permission actually commits a criminal offence under Schedule 1, Theft Act, 1968.
- This should be reported to the local Police, *not* the EA, unless this is coupled with a rod-licence or fisheries offence (see the Section ‘What does the EA do?’)..
- The offence is committed whether or not any fish have yet been caught, and fish need not be taken away for the ingredients of the offence to be satisfied.
- In freshwater, anglers fishing from boats require the same permissions those angling from the bank.
- Evidence required is straightforward: -
  - Proof of private right of fishery.
  - Clear signage, preferably multi-lingual, indicating private fishing.

- Time, date, location.
  - Description of offender/vehicle/boat.
  - Whether a baited line was in the water, kind of tackle.
- All recordable criminal offences have a Unique Home Office Code, this offence being HO116/11. This can be explained to the police should the officer attending be unfamiliar with the offence involved. Do NOT call in to report a 'Code 116/11', however, the call-taker will not know what you are talking about!
  - 'Citizens', the Police and EA have the power to seize items used in the commission of the offence. This could even include a car, or even a mobile phone used to take trophy shots.
  - The Magistrates' have the power to order forfeiture of any item used in the commission of the offence.
  - Please also see the 'Fish in Rivers' Section.

More information here: -

<https://www.legislation.gov.uk/ukpga/1968/60/schedule/1>

### Fish Theft

- Fish in enclosed stillwaters, in single ownership, are property and therefore owned.
- Large fish, such as carp, are often individually identifiable through scale patterns, scars and marks. Fisheries are therefore advised to make a photographic catalogue of such fish, and should consider micro-chipping high-value specimens.
- Because fish in enclosed waters are property, they can be stolen like any other property.
- Theft, the intention to permanently deprive the owner of their property, is covered by Sections 1 – 7 of the Theft Act, 1968, with which every police officer is familiar.

More information here: -

<https://www.legislation.gov.uk/ukpga/1968/60/contents>

Please note: -

As an indictable offence, there is a power of citizen's arrest attached to theft (but no longer the Schedule One offence of fishing in private waters without consent). However, guidelines issued in 2006 state that such arrests should only be made in 'serious cases' and when no constable is available; intervention would need justifying, and any force used must be reasonable – if considered unreasonable, that would constitute a criminal assault. The Angling

Trust's considered advice, therefore, is *not* to attempt citizen's arrests but to await the arrival of a constable.

### Fish in Rivers

- In law, fish in rivers are considered wild and free to roam, so cannot be owned until reduced into property by catching.
- Fish in rivers cannot, therefore, be stolen.
- However, although theft does not apply, if fish are taken without the controller of fishing right's consent, then the Schedule 1 Theft Act offence is made out and can instead be processed.
- If the offender taking river fish by illegal methods in contravention of fisheries legislation has no permission to fish either, that would increase the severity of the circumstances surrounding the offence.

### Legal Removal of Fish

On rivers, under Environment Agency byelaw, an angler may only remove on any given day: -

- One pike of up to 65 cm.
- Two grayling of 30 – 38 cm.
- Up to a total of fifteen small fish of up to 20 cm of the following native species: barbel, chub, common and silver bream, common carp, crucian carp, dace, perch, pike, roach, rudd, tench and smelt. This is mainly to permit the use of live and dead fish as bait where allowed by local rules.

*Please note:* fish measurements are recorded from the fork of tail to tip of snout.

- Where the controller of fishing allows fish removal, no written consent is required to remove fish from rivers under this byelaw, but if more than this specified quota is removed an offence is committed.
- In any case, the controller of fishing rights may require that all fish be returned, which takes precedence.
- On stillwaters, fish can only be removed with written permission of the owner or controller of fishing rights. Numbers and sizes of fish that may be removed (if any) from stillwaters are set by the controller of fishing rights.

*Please note:* all eels, Allis and Twaite Shad *must* be returned if caught from any freshwater in England and Wales.

More information here: -

<https://www.gov.uk/freshwater-rod-fishing-rules/fish-size-and-catch-limits>

### Statutory Close Season for Freshwater Coarse Fish & Non-Migratory Trout

- The annual close season for coarse fish on rivers, streams, drains, some canals and specified SSSI stillwaters in England and Wales is 15 March – 15 June inclusive. The close season for trout varies in each Environment Agency area.
- It is a criminal offence to fish for, take and/or kill freshwater fish and non-migratory trout from relevant venues during the statutory close season.
- Although eels are excluded from the definition of freshwater fish under Section 41 of the Salmon & Freshwater Fisheries Act 1975, it is also an offence to fish for them with rod and line during this period – unless permitted by local byelaws.
- Out of season fishing is punishable by a fine of up to £50,000. The court has powers regarding the forfeiture of fishing tackle used in the offence's commission and licence disqualification.

More information here: -

<https://www.gov.uk/freshwater-rod-fishing-rules/when-and-where-you-can-fish>

### Local Fishing Byelaws

The EA freshwater rod fishing rules vary from area to area, and all can be found here: -

<https://www.gov.uk/government/collections/local-fishing-byelaws>

### Freshwater Rod Licences

All freshwater anglers in England aged 13 or over, regardless of where they fish, are required by law to possess a current rod licence.

Freshwater licences provide essential funds for the protection, maintenance and improvement of fisheries. Anyone not buying a rod licence is not, therefore, contributing and is cheating honest anglers.

- One licence enables an angler, with permission from the controller of fishing rights, to: -
  - Use one rod for non-migratory trout in rivers, streams, drains and canals.
  - Use up to two rods for non-migratory trout in reservoirs, lakes and ponds.
  - Use up to two rods for freshwater fish.
- A more expensive twelve-month licence can also be purchased allowing the use of up to three rods for freshwater fish, where local rules allow.

- This does not affect the number of spod and marker rods.

More information here: -

<https://www.gov.uk/fishing-licences>

Licences can be purchased online here: -

<https://www.gov.uk/fishing-licences/buy-a-fishing-licence>

#### Who Can Demand Sight of a Rod Licence?

As part of a new approach to safeguarding children and vulnerable adults, the power of every rod licence holder to request sight of that of another was repealed by the Marine & Coastal Access Act, 2009. Since then, only EA Fisheries Enforcement Officers, Phase 2 Angling Trust Volunteer Bailiffs, and the Police are warranted and empowered to demand rod licences.

#### Can an Angling Club Bailiff or Fishery Owner/Manager Demand to See My Rod Licence?

If the club or controller of fishing rights concerned has included in its rules that all anglers fishing club waters must produce a rod licence to a club bailiff or their agent (a 'Water Keeper', in law), then that bailiff is authorised to do so.

Failure to produce a valid rod licence upon such an authorised request could result in internal club discipline proceedings and the matter reported to the EA for further investigation.

#### Why is it Important That I Report Incidents?



**REPORT ILLEGAL FISHING**



**101 For Non-Emergencies**  
**999 If a crime is taking place**  
Or The Environment Agency Incident Number:  
**0800 807060**

- Modern enforcement is 'Intelligence-Led'. This means that resources are deployed when and where they are most needed. This is decided through patterns emerging from incoming calls and other sources, identifying demand, times, locations and, in some cases, suspects and offenders. This is processed and useful information is called 'intelligence'. This is securely stored and legally shared as appropriate between enforcement agencies.
- Reporting incidents and information also evidences a need for resources. If we want more FEOs, and if we want a higher priority to be given fisheries crime by the Police, we MUST report incidents.
- It is important that our expectations are realistic: the EA is not an emergency service and is not resourced to respond to every call. This is another reason why continually reporting incidents and building up that pattern and repeat history is vital.

### Who Should I Report What To?

- The EA is the statutory lead agency on fisheries enforcement for salmon, trout, freshwater fish, eel and smelt fisheries.
- The EA 24-hour incident reporting hotline is 0800 80 70 60.
- EA Fisheries Enforcement Officers have the same power as a constable when enforcing fisheries legislation.
- However, whilst the EA does deal with many criminal offences, its main focus is rod licence compliance, the enforcement of national and regional byelaws, and the Salmon & Freshwater Fisheries Act, 1995, as amended by the Marine & Coastal Access Act, 2009.
- The Police are the experts in the criminal law and Theft Act 1968.
- Fishing without permission, and the theft of fish from enclosed waters, should be reported to the police on 999 if the offence is in progress, or via 101. This is the ruling of the National Police Chiefs' Council.

In many cases there will be both Theft Act, rod licence compliance and fisheries offences involved, meaning that the EA and Police will work together.

When reporting any incident, consider the following: -

- Time, date and location.
- The number of and description of offenders.
- Vehicle registration numbers.
- Tackle and bait used.
- Evidence of fish removal.

Whether reporting to the EA or Police, ALWAYS obtain a reference number and request feedback.

### Can I Report Incidents Anonymously?

Yes, to Crimestoppers on 0800 555 111.

### Social Media

Please do *not*: -

- Rant on social media about cases which are subject to ongoing enquiries by the EA and Police. This could seriously damage the prosecution case, possibly leading to it being thrown out.
- Rant on social media about offences and incidents instead of reporting them to the EA on 0800 80 70 60 and/or the Police on 101/999 as appropriate.
- Make racist comments. Again, this can harm the prosecution case, shows angling generally in a bad light – and is a criminal offence or greater severity than fisheries offences.

Please *do*: -

- Use common-sense.
- Help raise awareness by sharing links to approved posts and press releases via the Angling Trust regional and national Facebook pages.
- Ask advice from the Fisheries Enforcement Support Service (see below) before posting anything you are unsure about.
- Share posts concerning fisheries crime from the FESS, EA and Police.

### Why is Signage Important?

Because fishing without permission is a criminal offence, the burden of proof is 'beyond all reasonable doubt'. Clear signage, therefore, is crucial, because although ignorance is no defence, it helps strengthen the case. It is especially important that signage is multi-lingual – please see below.

### Migrant Anglers

In central and eastern Europe, angling is immensely popular but the culture is very different to ours, revolving around the taking of fish for food. Some years ago, it was difficult for migrants to find information on English angling law and regulations, leading to an incorrect

assumption that things here were the same. They are not. Here, we have a conservation-based approach called 'Catch & Release'.

To avoid confusion and help educate regarding our laws, the Angling Trust delivers the 'Building Bridges' Project, which is a part of the FESS, aimed at educating and integrating migrant anglers into the British angling culture. Multi-lingual information and signage is now widely available via Building Bridges, whose Polish, Lithuanian and Romanian Project Officers will even translate your club or fishery rules for you, free of charge.

Building Bridges will also supply multi-lingual leaflets to clubs and fisheries, all free of charge.

Building Bridges actively engages with the migrant community, including schools, and press in England, raising awareness of our laws, culture and sign-posting multi-lingual information.

Further information on Building Bridges here, including videos, PDFs of signage and leaflets: -

<https://www.anglingtrust.net/page.asp?section=1178&sectionTitle=Building+Bridges+Project>

Building Bridges also stages many multi-national angling competitions and other events, working with various partners, and runs the 'Fishing Without Borders' Facebook page: -

<https://www.facebook.com/fishingwithoutborders/>

Hard-copy multi-lingual leaflets can be obtained free of charge from the Building Bridges team (see below).

Negative issues with migrant anglers have significantly decreased these past few years, in no small part due to the efforts of our small but dedicated Building Bridges team. Migrant anglers who have settled here and fish by our rules are making a very positive contribution to angling, getting involved with clubs, running events and joining the Voluntary Bailiff Service (see below). Ongoing problems largely concern transient workers and new arrivals, it seems, so the work of Building Bridges remains vital and ongoing.

### The Fisheries Enforcement Support Service

The FESS was formed in 2015 and is funded by English freshwater fishing licences via the National Angling Strategic Services Contract awarded by the EA to the Angling Trust in 2015 and 2019.

The FESS delivers the vision of what was originally the Fisheries Enforcement Campaign, now a clearly defined strategy involving many partners, including the Police, EA, Magistrates' Association and Crown Prosecution Service.

The FESS is managed by the National Enforcement Manager and comprises six Regional Enforcement Managers, an Intelligence Manager and an Enforcement Communications

Manager, all of whom are retired police officers. The FESS also includes the Voluntary Bailiff Service and Building Bridges Project, and their staff.

The REMs manage the VBS in their regions in addition to working closely with the Police, EA and partners to raise awareness of Fisheries Crime through training, arranging joint patrols and, most importantly, contributing to regional rural and environmental crime forums.

In the event of an offence being reported to the authorities and the response falling short, anglers are encouraged to advise the relevant REM, who can then take up the matter with the Police or EA as appropriate.

The National Enforcement Manager also represents angling interests on the Partnership for Action Against Wildlife Crime (PAW), and on the Wildlife & Countryside Link Wildlife Crime Working Group.

All of these resources and representation is unprecedented for angling – which has never been in a stronger position to protect fish and fisheries.

In this short video, National Enforcement Manager Dilip Sarkar MBE explains Fisheries Crime and the role of FESS: -

<https://www.youtube.com/watch?v=AfO1f8mycRI>

More information on the FESS here: -

<https://www.anglingtrust.net/page.asp?section=1465&sectionTitle=Fisheries+Enforcement+Support+Service>

Contact details for the FESS here: -

<https://www.anglingtrust.net/page.asp?section=1475&sectionTitle=Meet+the+Fisheries+Enforcement+Support+Services+team>

### Voluntary Bailiff Service

The Phase 1 VBS continues to be a huge success and was the catalyst empowering anglers to help protect fish and fisheries, providing ‘eyes and ears’ and an unprecedented amount of intelligence for the EA and Police.

This article explains the impact that the VBS has had, following the National Enforcement Manager’s keynote address at the UK National Wildlife Crime Conference, 2018: -

<https://linesonthewater.anglingtrust.net/2018/12/17/the-vbs-an-inspirational-catalyst-for-change/>

The VBS is funded by English fishing licences and has a regional structure, REMs assisted by Area Coordinators in supporting volunteers. Volunteer Bailiffs are carefully selected and

trained by policing and enforcement professionals to report incidents and information to a high evidential standard. Over 200 intelligence logs, for example, were shared with the EA in 2018/19 financial year, which is empowered to deal with these offences, translating the incoming information from the VBS and angling public into positive action. Without this incoming information the intelligence-led system cannot work, so we MUST all report these things: 0800 80 70 60.

At Phase 2, selected volunteers have to pass an interview process leading to further training and being warranted to demand rod licences and deal with certain fisheries offences. P2 VBs are embedded in EA fisheries enforcement teams, whom they are supervised by and work directly in support of.

More information here: -

<https://www.anglingtrust.net/page.asp?section=1466&sectionTitle=Voluntary+Bailiff+Service>

What Are Operations TRAVERSE, LEVIATHAN & CLAMP DOWN?



These are high profile and ongoing operations aimed at raising awareness of fisheries crime, illegal fishing and fish theft, and encouraging a better understanding of our issues, increasing the support available to the EA.

Operation TRAVERSE involves the EA and police forces of the eastern half of England.

Operation LEVIATHAN covers the western half of England and Wales.

Operation CLAMPDOWN is the annual crack-down on illegal fishing during the coarse fish close season.

### Why Do the Police Support These Operations?

Fisheries Crime is Rural, Wildlife, Business and even Hate and Organised Crime.

The work of the VBS has frequently demonstrated links to wider crime, such as the discovery of hidden firearms, illegal drugs and stolen property at the waterside. The Police, therefore, understand that it is their duty to deal with illegal fishing and fish theft, thus contributing to force priorities such as Rural Crime, and that this is another entry point for engaging criminality.

### Fisheries Enforcement Workshops

The FESS also runs FEWs annually in all six English regions, policing and enforcement professionals providing free training at these essential events, open to all and again funded by English freshwater licences.

Further information here, including a short video in which the National Enforcement Manager explains why FEWs are so important – and why all anglers should attend: -

<https://www.anglingtrust.net/page.asp?section=1467&sectionTitle=Fisheries+Enforcement+Workshops>

### Wales & Scotland

Fisheries enforcement in Wales is the responsibility of National Resources Wales: -

<https://naturalresources.wales/splash?orig=%2f&lang=cy>

In Scotland, the emphasis of fisheries enforcement is salmonid, but for an overview and interesting information, please see: -

<http://fms.scot/fisheries-enforcement/>

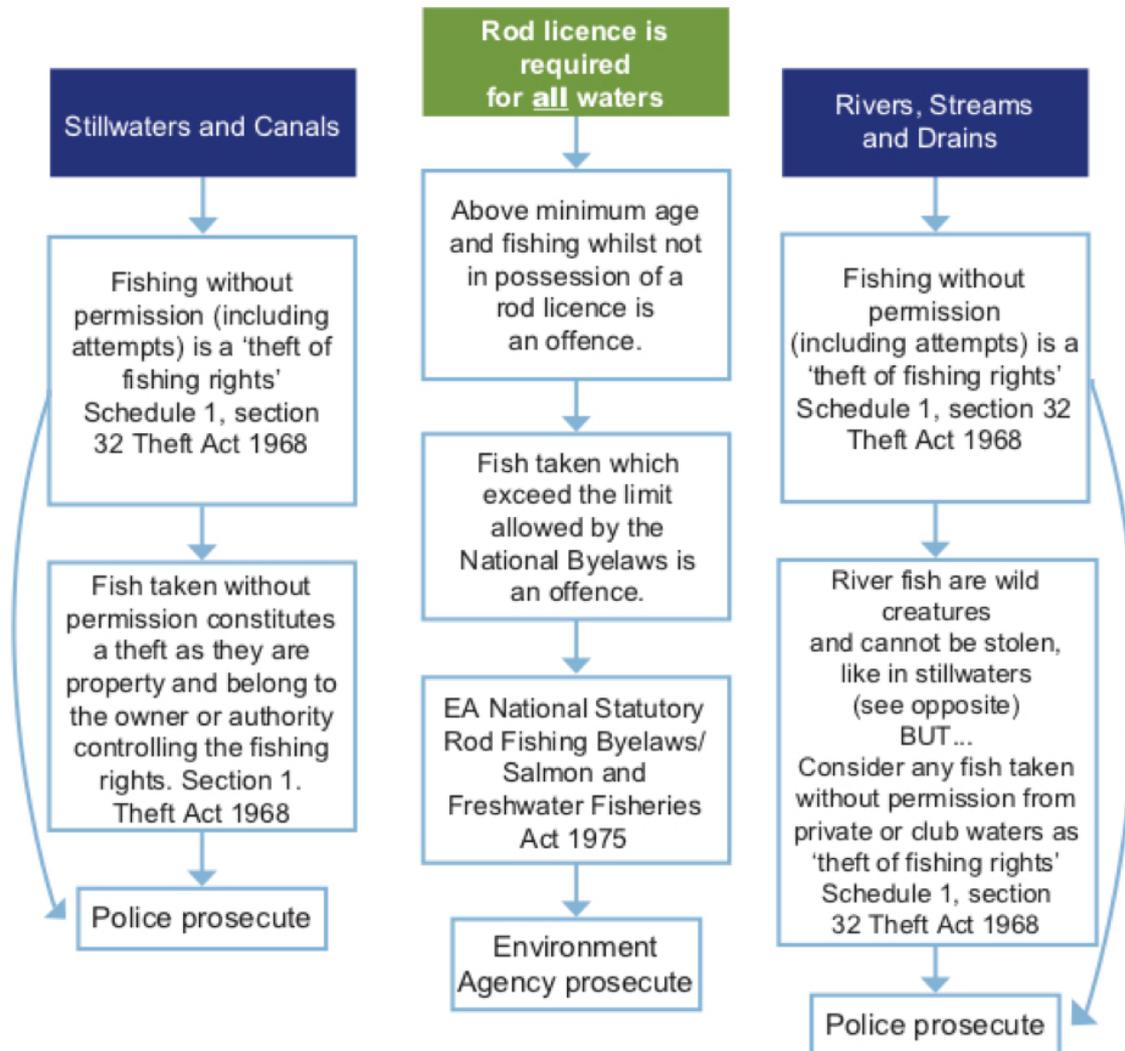
Dilip Sarkar MBE  
National Enforcement Manager  
Fisheries Enforcement Support Service  
Angling Trust & Environment Agency Partnership

Adrian Saunders  
Senior Advisor, Incidents & Compliance  
Fisheries Team  
Environment & Business, Agriculture, Fisheries & Natural Environment  
Environment Agency

17 June 2019



# REPORT OF ILLEGAL FISHING



Call the **Environment Agency**  
on **0800 80 70 60**  
or the **Police** on **101**  
for crime in progress call **999**