



REPORT OF THE WORKING GROUP ON NORTH ATLANTIC SALMON

Charlottenlund, 30 April - 3 May 1979

After C.M.1979/M:10 was circulated, some amendments and an addendum to the Appendix: "National Salmon Fishery Regulations", have been received. They are:

- (i) An amended section about Scotland, which replaces the one on pp. 46-47 of C.M.1979/M:10,
- (ii) An amended section about England and Wales, which replaces the one on pp. 49-50 of C.M.1979/M:10,
- (iii) An additional section on Regulations on Salmon Fishery in Ireland.

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Brief note on the regulation of salmon fisheries in Scotland

The salmon fisheries of Scotland are administered by the Department of Agriculture and Fisheries and are regulated under the provisions of the Sea Fish Conservation Act, 1967 (and orders made under it) and the various Salmon and Freshwater Fisheries Acts. There are also special Acts for the River Tweed and the Solway Firth, both on the border with England, where some special regulations of local significance still apply.

In inland water and the territorial sea (i.e. within the three-mile limit) the rights of salmon fishing are private property. They were originally part of the private estate of the Sovereign who, over the centuries, made grants of rights to others. Ownership is now vested in a wide variety of people, businesses, clubs, corporations etc., with the Crown Estate retaining a significant interest, especially in the coastal fisheries. These rights of Salmon fishing may be bought, sold or leased in the same way as, but independently of, land. Beyond the three-mile limit there is theoretically a public right of fishing for salmon but all practicable methods of exploiting it are prohibited. In the Orkney and Shetland Islands some of the land is under 'udal' tenure and the right of salmon fishing is held with ownership of the adjacent land.

Fishing in inland water and estuaries (as defined in salmon fishery law) is limited to rod-and-line and net-and-cable (a type of beach seining) with a proviso that ancient trap rights are not extinguished. Along the coast and in the sea, within the 12-mile limit, fishing is by any lawful method and is mainly by stake-nets and bag-nets, set close to the shore, or beach-seines. The use of drift-nets or other gill nets, trawl nets, seine nets (other than shore seines) trolling and long-lines is prohibited (unless they are set and fished without using a boat). Outside the 12-mile limit British-owned fishing boats are prohibited from catching salmon by any method. The landing of salmon caught by prohibited methods in the specified areas is also prohibited.

There is an annual close-time of 168 days and a weekly close-time (over the week-end) of 42 hours. These apply in both the sea and inland waters but for rod-fishing the annual close-time is shorter (it varies from district to district) and the weekly close-time only 24 hours (Sunday). There are provisions in the statutes prohibiting the use of poisons, explosives and electricity in fishing; regulating mesh sizes and the operation of nets; protecting juvenile fish and for ensuring the unobstructed passage of upstream migrants.

There is no quota system or statutory limitation of fishing effort but there is an effective restriction of effort in some areas, imposed by the owners of the fisheries (eg many salmon netting stations are not fished and the number of rods allowed on specific fishing beats is limited). The owners of the fishing rights in each river system may manage and police the fishery through District Salmon Fishery Boards set up under statute for the purpose but Boards have not been convened for many of the smaller river systems.

NATIONAL SALMON FISHING REGULATIONS5. England & Wales(a) Permitted areas

There is a public right of fishing for salmon in the sea within British fishery limits but between the 6-mile and 12-mile limits the use of this right is prohibited by Ministerial Order. Outside the 12-mile limit there is a prohibition on fishing for salmon in continuation of the NEAFC recommendations.

Within the 6-mile limit, fishing for salmon is allowed under a licensing procedure operated by 10 Regional Water Authorities which between them cover the whole of England & Wales. The licensing procedure applies also to estuaries and freshwaters.

(b) Methods

Commercial fishing for salmon takes place in coastal waters and estuaries by a variety of different types of nets, including drift, gill, seine and trap nets and one-man nets called heave or haaf nets; also, in a few estuaries, by "fixed engines" consisting of ranks of conical steel or withy baskets, and baulks or cruives, of very ancient origin. In a few places in Wales small-scale commercial fishing is carried out in the lowest freshwater or upper tidal reaches by means of one-man coracles (steel or withy frameworks covered originally with animal hides, now with tarred canvas) working in pairs.

Sport fishing for salmon takes place in all rivers containing these fish, both in freshwater and in the estuaries. River fisheries are mainly privately owned.

(c) Regulations

Commercial and sport fishing for salmon is regulated by Act of Parliament and, in extension of the Act, by Orders and byelaws.

These regulatory measures provide for close seasons for all types of fishing, weekly close times for nets, and limitations on the number of commercial fishing licences which may be issued for specified areas of the coast, or in estuaries and how many persons are allowed to assist the licence holder in operating his gear. Also, the dimensions and mesh and materials of nets and how and where they may be used are all subject to byelaw regulation. The times of the year during which salmon may be sold are also laid down by the Act, which also requires that catches of salmon by all methods must be reported to the local regulatory bodies.

Sport fishing is similarly regulated by licensing and byelaws, although there is no restriction on the numbers of rod licences which may be issued annually. The commonest regulations by byelaw seek to afford protection against over-fishing by prohibiting angling within proximity to natural and artificial

obstructions, by alterations to the statutory close season, by defining the fishing gear which may be used and the times and places when and where angling may take place.

(d) Enforcement

The enforcement of the salmon fishery regulations is the responsibility of the ten Regional Water Authorities. These bodies have fisheries scientific and supervisory staff and are responsible to the Minister of Agriculture, Fisheries and Food for the efficient administration of all the fisheries in their areas.

The regulatory needs identified by the Water Authorities from their close surveillance of their salmon fisheries are submitted in the form of byelaw or Order proposals to the Minister who may confirm or disallow them with or without holding a public inquiry.

There is, thus, close and wide-ranging control of salmon fishing by all methods tailored to the need to provide for an adequate spawning escapement. In a situation where river stocks show a reducing trend additional restrictions of various kinds can be, and are, applied to the commercial and sport fisheries in order to conserve the stocks.

Regulations on Salmon Fishing in Ireland

There is a public right to fish for salmon in Irish coastal and inshore waters except where there is a private or several fishery. Each operator of a fishing net is charged a license and the number of net licenses issued is limited by order.

The following regulations are enforced:

1. The use of monofilament or multistrand monofilament for the capture of salmon or trout is prohibited. (Byelaw No. 590, 1976)
2. The maximum length of drift net for salmon is defined. In the country as a whole for sea drift netting the maximum length is 800 yds. with the exception of Donegal where 1500 yds. is permitted. In the estuaries of rivers where drift netting is permitted the maximum length varies from 130 yds. to 240 yds. (Byelaw No. 572, 1975)
3. The use of drift nets in excess of a depth of 30 meshes deep is prohibited. (Byelaw No. 582, 1976)
4. All nets fishing for salmon must bear a tag in which is inscribed the number of the license and the boat used for fishing must also have the license number inscribed on it. (Byelaw No. 583, 1976)

The following regulations are enforceable since December 1978.

5. The open date for drift netting for salmon is deferred until March 15 in those areas where the open date for such fishing is prior to that date. In other areas the open date is much later.
6. The annual close season for all forms of commercial fishing for salmon is brought forward to July 21.
7. The annual close season for angling for salmon is brought forward to September 1.
8. The weekly close time for commercial fishing for salmon is extended by 24 hrs. from 6 a.m. on Saturday morning to 6 a.m. on Tuesday morning.
9. The size of boat permitted to engage in commercial salmon fishing is limited to 40 ft. except in the case of boats registered on or before December 31, 1978 when the permitted length is 50 ft.
10. A person shall not fish for salmon seaward of a line drawn 12 nautical miles from the baseline.