

ENVIRONMENT AGENCY

WATER RESOURCES ACT 1991
ENVIRONMENT ACT 1995
SALMON AND FRESHWATER FISHERIES ACT 1975**CRAYFISH BYELAWS**

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.

Byelaw 1 **Application of Crayfish Byelaws**

These Byelaws apply in relation to Wales.

These Byelaws shall apply to the whole of England being the area specified in Section 6(7) of the Environment Act 1995 in respect of which the Environment Agency carries out its functions relating to fisheries

Byelaw 2 **Interpretation of Crayfish Byelaws**

“freshwater crayfish” means any crayfish belonging to the families Astacidae, *Cambaridae* or *Parastacidae*.

“non-native freshwater crayfish” means any species of freshwater crayfish other than White-clawed Crayfish (*Austropotamobius pallipes*).

“trap” means an implement or net, either baited or unbaited, without wings or leaders, which is attached to the bed of a water body or water course by weights or other means, or which is made stationary in any other way, into which freshwater crayfish may freely enter but which does not rely on freshwater crayfish becoming entangled or enmeshed to be caught.

“the Order” means the Prohibition of Keeping of Live Fish (Crayfish) Order 1996 (SI 1996 No. 1104) as amended by the Prohibition of Keeping of Live Fish (Crayfish)(Amendment) Order 1996 (SI 1996 No. 1374).

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, Water Resources Act 1991 and the Diseases of Fish Act 1937.

Byelaw 3 Use of Traps

- (a) A person may place or use traps in inland waters for taking non-native freshwater crayfish in any postcode area set out in the Schedule to the Order subject to the written permission of the Environment Agency.
- (b) No person may place or use traps in inland waters for taking non-native freshwater crayfish in any postcode area not listed in the Schedule to the Order except for scientific, conservation or fisheries management purposes and with the written permission of the Environment Agency.
- (c) No person may place or use traps in inland waters for taking White-clawed Crayfish (*Austropotamobius pallipes*) except for scientific, conservation or fisheries management purposes and with the written permission of the Environment Agency.
- (d) Any written permission granted by the Environment Agency may prescribe the places where, and the times when, the placing and using of traps can be undertaken.

Byelaw 4 Return of Fish

Except where previously agreed in writing with the Environment Agency, all other species of fish or eels caught in the trap, shall be returned to the water as soon as is practicable and with as little damage as possible.

Byelaw 5 Crayfish Returns

Except where previously agreed in writing with the Environment Agency a full and accurate return of crayfish caught, on a form to be provided by the Environment Agency, shall be made to the Environment Agency.

Byelaw 6 Size of Entrance of Traps

Except where previously agreed with the Environment Agency in writing the opening or entrance to any trap shall not exceed 200mm in diameter and the mesh size shall not exceed 30mm at its widest point.

Byelaw 7 Size of Crayfish Traps

Except where previously agreed with the Environment Agency in writing no trap shall exceed maximum dimensions of 600mm in length and 350mm at its widest point.

Byelaw 8 Identity Marks on Crayfish Traps

Except where previously agreed in writing with the Environment Agency all traps shall be marked by an identity tag, previously obtained from the Environment Agency, which shall be fixed to the top front of the trap.

Byelaw 9 Otter Guards

- (a) All traps where the entrance to the trap is greater than 95mm internal diameter must be fitted with an otter guard.
- (b) The otter guard shall consist of either:
 - (i) tightly stretched flexible netting with a mesh size measured when wet of not more than 75mm knot to knot or 300mm round the perimeter; or
 - (ii) a rigid square grille with bars separated by not more than 85mm; or
 - (iii) a rigid ring guard with internal diameter of not more than 95mm;and shall be fitted to the funnel leading to the entrance of the trap.

Byelaw 10 Other Permissions

Nothing within the provisions of these Byelaws shall alter the requirement of any person who applies for permission to trap crayfish from also obtaining the relevant permission of the owner or occupier of the fishery or from obtaining any relevant licence from any other organisation which may be required to take or attempt to take crayfish.

Byelaw 11 Exemptions

- (a) These Byelaws shall not apply to any employee or agent of the Environment Agency acting in their official capacity, who carries out work in connection with the maintenance, improvement or development of fisheries or for scientific purposes.
- (b) Owners of fish farms and their agents and employees are authorised to use traps for the taking of non-native freshwater crayfish in the normal course of fish farming activity within the confines of that fish farm and do not require written permission from the Environment Agency.

**THE COMMON SEAL OF THE ENVIRONMENT AGENCY
was affixed on day of November 2004 in the presence of:**

AUTHORISED SIGNATORY