

**ENVIRONMENT AGENCY**  
**SALMON AND FRESHWATER FISHERIES ACT 1975**

**THE ENVIRONMENT AGENCY (LIMITATION OF SOLWAY FIRTH HEAVE OR HAAF NET  
FISHING LICENCES) ORDER 2018**

**THE ENVIRONMENT AGENCY**, being satisfied that it is necessary to do so for the purposes of section 26(1A)(a) and (b) Salmon and Freshwater Fisheries Act 1975, makes the following Order in exercise of its powers under section 26 of that Act:

**Citation, commencement, period of operation and application**

**1. This Order –**

(a) may be cited as the Environment Agency (Limitation of Solway Firth Heave or Haaf Net Fishing Licences) Order 2018;

(b) comes into force on the date it is confirmed by the Secretary of State for Environment, Food and Rural Affairs, and shall remain in operation for a period of ten (10) years from the date thereof, and;

(c) applies throughout the area described in Column (1) of the Schedule hereto ("the area").

**Interpretation**

**2. "Agency" means the Environment Agency;**

"Heave or Haaf" means nets shall be of a single sheet of netting having meshes that shall measure when wet not less than 44mm from knot to knot or 176mm round the four sides. They shall be so constructed as to form a bag or purse suspended from a frame, consisting of a heave, beam or pole not exceeding 5.5 metres in length having at each end an end stick or projecting arm not exceeding 1.9 metres in length.

"Licence" means a fishing licence issued by the Agency under section 25 of the Salmon and Freshwater Fisheries Act 1975 to use a Heave or Haaf Net to fish for salmon and migratory trout but not rainbow trout.

**Limitation of fishing Licences**

**3. (a)** The number of Licences to be issued by and on behalf of the Agency in each year for fishing during that year for salmon and migratory trout with an instrument other than rod and line for the area specified in Column (1) of the Schedule hereto shall be limited to the number and type of Licences specified in Column (2) of the Schedule hereto.

**(b)** But in respect of any year the Agency must issue a Licence to any person who applies for one and who held such a Licence in the preceding year.

(c) Where the number of licences to be issued on the basis of 3(b) exceeds that in 3(a), no additional licences will be issued.

#### **Allocation of fishing Licences**

4. (a) The basis for any further allocation of Licences other than an allocation made pursuant to article 3(b) shall be determined from time to time by the Agency. A copy of the criteria used is available from the Agency office as specified in Column (3) of the Schedule hereto.

PROVIDED THAT not more than one Licence shall be issued to each person in respect of the area specified in Column (1) of the Schedule hereto.

(b) In considering applications for Licences, the Agency shall be able to require such information from the applicants as it considers relevant and in such form as may be prescribed.

#### **Applications for fishing Licences**

5. (a) Initial allocation of Licences for each year pursuant to this Order shall be based on applications received at the Agency Office as specified in Column (3) of the Schedule hereto not later than 15 November in the previous year.

(b) Later applications will only be considered in the event that Licences are still available for issue after the initial allocation process has been completed, and no later than midnight on 18 May.

#### **Reallocation of fishing Licences**

6. (a) If one Licence has been allocated and if that licence holder dies after the initial allocation of Licences, that Licence shall become available for re-allocation. An application for that Licence shall be considered using the criteria referred to in Article 4(a).

(b) A Licence will not become available for re-issue after the annual allocation of Licences in any other circumstances.

#### **Revocation**

7. The Environment Agency (Limitation of Solway Firth Heave or Haaf Net Fishing Licences) Order 2007 is hereby revoked.



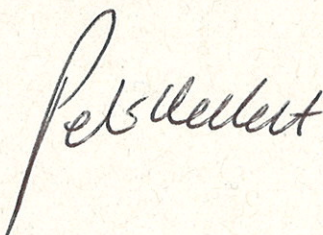
## SCHEDULE

### Articles 3, 4, 5 and 6

(1) Description of area	(2) Type and number of instruments to be licensed	(3) Office
<p>"Solway Firth" for the purposes of this Order means those tidal waters and parts of the sea within the Environment Agency's area between a line drawn between the eastern extremity of Barnkirk Point (NGR NY19186433) to Scargravel Point (NGR NY 19786177) and:</p> <p>(i) In the River Esk (Border), a line drawn across the river from NGR NY32456503 to NGR NY32456632</p> <p>(ii) In the River Eden, a line drawn across the river from NGR NY33656182 to NGR NY33656155</p>	Seventy five (75) Heave or Haaf Nets	Environment Agency Ghyll Mount Gillan Way Penrith 40 Business Park Penrith Cumbria CA11 9BP

THE COMMON SEAL of the  
ENVIRONMENT AGENCY was affixed on  
the 15th day of December 2017 in the  
presence of

PETER KELLET  
DIRECTOR OF  
LOCAL SOURCES



AN AUTHORISED SIGNATORY





