

ENVIRONMENT AGENCY

SALMON AND FRESHWATER FISHERIES ACT 1975

THE ENVIRONMENT AGENCY (LIMITATION OF RIBBLE ESTUARY NETTING LICENCES) ORDER 2017

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 Ribble Estuary Netting Licences) Order 2017;
 - (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;

“Drift Net” means an unarmoured net without bags or pockets consisting of a single sheet of netting measuring, when wet, not more than 140 metres in length and not more than 34 meshes deep at any point and having meshes not less than 82mm in extension from knot to knot, or 328mm round the four sides;

“Licence” means a fishing licence issued by the Agency under section 25 of the Salmon and Freshwater Fisheries Act 1975 to use a Drift 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 15th 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.

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 River Ribble Estuary Netting Licences) Order 2006 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>Ribble Estuary as defined in Byelaw 32 (ii) of the North West Regional Byelaws made by North West Water Authority on fifth September 1988 and confirmed by the Minister of Agriculture, Fisheries and Food on eleventh October 1989, as amended, namely that part of the estuary of the River Ribble which lies seaward of a line drawn due South from the Naze at Freckleton, and landward of a line drawn from the seaward end of St Anne's pier at Lytham to Gut Buoy thence to the seaward end of Southport pier.</p>	<p>One (1) Drift (Hang or Whammel) net.</p>	<p>Environment Agency Ghyll Mount Gillan Way Penrith 40 Business Park Penrith Cumbria CA11 9BP</p>