

ENVIRONMENT AGENCY

SALMON AND FRESHWATER FISHERIES ACT 1975, AS AMENDED
BY THE ENVIRONMENT ACT 1995 AND MARINE AND COASTAL ACCESS ACT
2009

ENVIRONMENT AGENCY (LIMITATION OF SEVERN ESTUARY LAVE
NET FISHING LICENCES IN ENGLAND) ORDER 2021

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

Citation, Commencement and Period of Operation

1. This Order -
 - (1) may be cited as the Environment Agency (Limitation of Severn Estuary Lave Net Fishing Licences in England) Order 2021;
 - (2) comes into force on the date it is confirmed by the Secretary of State for Environment, Food and Rural Affairs, and;
 - (3) applies to the area described in column (1) of the Schedule.

Interpretation

2. "Lave net" means a single sheet of netting of mesh which measures, when wet, not less than 50mm in extension from knot to knot or 200mm round the perimeter for knotted mesh, or not less than 25mm in extension or 100mm round the perimeter for knotless mesh, and which shall be constructed to form a bag or purse attached to a yoke in the shape of a 'V', the widest part of which shall not exceed 3 metres and which shall be fitted with a handstaff to the apex of the yoke. The lave net shall be operated by one person standing or wading in the water and supporting or holding the net and lifting or scooping any fish.

"Agency" means the Environment Agency or any subsequent successor in title.

"Licence" means a fishing licence issued by the Agency for the use of a lave net for fishing for salmon and migratory trout other than rainbow trout.

"Salmon" means both Atlantic salmon (*Salmo salar*) and Pink salmon (*Oncorhynchus gorbuscha*).

"Migratory trout" means the migratory form of the brown trout (*Salmo trutta*) otherwise known as the sea trout.

Limitation of licences

3. The number of lave net licences to be issued in each year for the area specified in column (1) of the Schedule shall be limited to the number and type specified in column (2) of the Schedule.

Issue of fishing licences

4. (1) In issuing a lave net licence the Agency shall give preference to any person who demonstrates to its satisfaction that person held a lave net licence in 2018 (two thousand and eighteen) or in either of the 2 (two) years preceding the year in which the licence is to be issued, for the area described in column (1) of the Schedule.
- (2) Not more than 1 (one) lave net licence shall be issued to any one person in respect of the area described in column (1) of the Schedule.
- (3) In considering an application for a lave net licence the Agency may require the applicant to provide such information as it considers relevant and in such form as it may prescribe.

Applications for fishing licences

5. An application for a lave net licence under this Order shall be made to the office specified in column (3) of the Schedule no later than 2 (two) months prior to the start date of the lave net fishing season.

Reissue of fishing licences

6. (1) Subject to paragraph (2), if the holder of a lave net licence issued under this Order dies, that licence may be re-issued on such basis and in accordance with such procedure as the Agency considers appropriate.
- (2) A lave net licence cannot be re-issued if the number of lave net licences issued in any given year for the area described in column (1) of the Schedule exceeds the number prescribed in column (2) of the Schedule.

Expiry

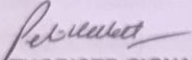
7. This Order will expire on the date 10 (ten) years after the date it came into force, unless revoked earlier.

SCHEDULE

Articles 3, 4, 5 and 6

(1) Description of Area	(2) Type and number of instruments to be licensed	(3) Net Licensing Office
Severn Estuary – Downstream from the confluence of Noards Ditch (NGR SO75800 14500) with the River Sever at Bollow, to an imaginary line between Beachley Point (NGR ST54800 90300) and Avonmouth (NGR ST51200 79700) and which passes through both the Shoots (NGR ST51600 86500) and a point offshore from Avonmouth (NGR ST49800 80600) which are wholly in England.	Lave nets 22 (twenty two) licences	Environment Agency Brampton Office, Bromholme Lane, Brampton, Huntingdon, Cambridgeshire, PE28 4NE

THE COMMON SEAL OF THE ENVIRONMENT AGENCY
was affixed on the 2nd day of February 2021 in the presence of:-


AN AUTHORISED SIGNATORY

Peter Kellett
Director of Legal Services
HORIZON HOUSE, SEAVEN ROAD
BRISTOL BS1 9AH



827

The Secretary of State for the Environment, Food and Rural Affairs in exercise of the power conferred by section 26 of the Salmon and Freshwater Fisheries Act 1975 confirms the Environment Agency (Limitation of Severn Estuary Lave Net Fishing Licences in England) Order 2021 made by the Environment Agency.



A Senior Civil Servant, for and on behalf of the Secretary of State for Environment,
Food and Rural Affairs

Dated 1st day of September 2021