



## INLAND FISHERIES REGULATIONS 2017

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Statutory Document No. 2017/0053

*Fisheries Act 2012*

## INLAND FISHERIES REGULATIONS 2017

*Laid before Tynwald:* 21 February 2017

*Coming into Operation:* 1 March 2017

The Department of Environment, Food and Agriculture makes the following Regulations under section 23, 48, 73 and 82(6) of the Fisheries Act 2012.

### PART 1

#### INTRODUCTION

#### 1 Title

These Regulations are the Inland Fisheries Regulations 2017.

#### 2 Commencement

These Regulations come into operation on 1 March 2017.

#### 3 Interpretation

(1) In these Regulations —

“**the Act**” means the Fisheries Act 2012;

“**coarse fish**” means freshwater fish other than salmon, migratory trout, trout, rainbow trout and eels;

“**coarse fishery**” means any private or commercial fishery where coarse fishing facilities are offered to recreational anglers who hold a valid licence;

“**coarse fishing**” means fishing for coarse fish in a private or commercial fishery or Eairy Dam only, which may be retained in a keep net or keepsack and returned to the water from which they were taken at the end of the fishing session;

“**coarse fishing licence**” means a licence of a class specified in regulation 5(2)(d);

“**commercial fishery**” means a fishery operated on a commercial basis which allows recreational anglers to fish by rod and line;

- “**child**” means a person who has not attained their fourteenth birthday;
- “**concessionary reservoir licence**” means a licence of a class specified in regulation 5(2)(b);
- “**disabled angler**” means a recreational angler who is in receipt of disability living allowance or attendance allowance payable by the Social Security Division of the Treasury, or in receipt of a war disablement pension to which that person is entitled under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006<sup>1</sup>;
- “**eels**” means any fish of the species *Anguilla anguilla*, and includes elvers and glass eels;
- “**fishing season**” means the period of a year which is not included in the annual close season;
- “**float**” means any type of buoyancy device used in the normal course of angling;
- “**foul hook**” means the hooking of any salmon, sea trout or freshwater fish in any part of the body other than in the mouth;
- “**freshwater fish**” means any fish (other than salmon or sea trout) living in inland waters;
- “**general licence**” means a licence issued under section 8 of the Act by the Department to specific groups in specific circumstances to enable freshwater angling to take place at specified times, subject to specific conditions, as stipulated in the licence;
- “**lead**” includes any alloy or compound lead;
- “**lead weight**” means split shot or any other thing suitable for weighting fish lines made of lead, which is neither incorporated and fully enclosed in the core of a fishing line nor incorporated in the construction of a swim-feeder, a self-cocking float or a fishing lure;
- “**leader**” means the end portion of a reel-line to which the fly-hook or snell of the fly-hook is attached;
- “**licence-holder**” in relation to a fishing licence, means a recreational angler named on the licence as being entitled to the licence;
- “**migratory trout**” means trout of the species *Salmo trutta* which migrate to and from the sea, including part of any such fish;
- “**other waters fishing licence**” means a licence of a class specified in regulation 5(2)(c);
- “**private fishery**” means any waters where angling facilities are offered for the purposes of fishing to recreational anglers who hold a valid licence;

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<sup>1</sup> S.I. 2006/606

“**private or commercial fishery**” means waters or a fishery which is either a private fishery or a commercial fishery;

“**rainbow trout**” means trout of the species *Oncorhynchus mykiss*;

“**recreational angler**” means a person who, in accordance with a licence issued under these Regulations, angles with rod and line;

“**the reservoirs**” means any of the following reservoirs —

- (a) the Ballure Reservoir;
- (b) the Clypse Reservoir;
- (c) the Cringle Reservoir;
- (d) the Kerrowdhoo Reservoir;
- (e) the Sulby Reservoir; or
- (f) the West Baldwin Reservoir,

but does not include the Block Eary Reservoir or the Eairy Dam;

“**reservoir fishing licence**” means a licence of a class specified in regulation 5(2)(a);

“**salmon**” means salmon of the species *Salmo salar*, including part of any such fish;

“**sell**” and “**sale**” include barter or exchange for goods or services;

“**young person**” means a person who has attained their 14<sup>th</sup> birthday but has not attained their 19<sup>th</sup> birthday;

“**total maximum casting weight**” means all terminal tackle used in the normal course of angling, including float, spinner, lure, spoon and weight;

“**traditional fly fishing**” means fishing with a conventional fly rod, fly line, fly reel and artificial flies which satisfies the following requirements —

- (a) the rod and line must be designed for fly fishing, where the weight of the line is used to cast an artificial fly that would not be heavy enough to be cast with a spinning or casting rod; and
- (b) the rod and line must be rated in accordance with the American Fly Tackle Manufacturers (AFTM) system and the reel must be of a single action centre pin design; and

“**trout**” means brown trout of the species *Salmo trutta* which remain in inland waters and do not migrate to the sea, and includes any part of such fish.

- (2) Any reference to the size of any fish shall be construed as a reference to its length when measured from the tip of its snout to the fork or cleft of its tail.

## PART 2

### ANNUAL CLOSE SEASON, FISHING LICENCES AND DUTIES

#### 4 Annual close season

- (1) The annual close season, when it shall be unlawful to fish for, take or kill —
  - (a) salmon and migratory trout, commences on 1 November in each year and ends on 31 March in the next year, both dates inclusive;
  - (b) trout and rainbow trout in the reservoirs and commercial and private fisheries, commences on 1 February and ends on 9 March in each year;
  - (c) trout and rainbow trout in any water other than the reservoirs and commercial and private fisheries, commences on 1 October in each year and ends on 31 March in the next year; and
  - (d) eels in any water, commences on 1 October in each year and ends on 31 March in the next year.
- (2) The owner or owners of a private or commercial coarse fishery may operate a close season at his or her discretion.

#### 5 Fishing licences

- (1) For the purposes of Part 4 of the Act and subject to the provisions of these Regulations, there may be issued a fishing licence for —
  - (a) the reservoirs or a private or commercial fishery, valid for the period commencing on 10 March in each year and ending on 31 January in the next following year (or valid for a period of a week or a day during that period);
  - (b) waters other than the reservoirs or private or commercial fishery, valid for the period commencing on 1 April in each year and ending on 31 October in that year (or valid for a period of a week or a day during that part of the period ending on 30 September in that year); and
  - (c) a coarse fishery, for the period 1 January to 31 December in each year.
- (2) There are four classes of fishing licence —
  - (a) a reservoir fishing licence, which authorises a recreational angler to fish for, take or kill any trout or rainbow trout by a single rod and line only, in the reservoirs or a private or commercial fishery;
  - (b) a concessionary reservoir fishing licence which authorises a recreational angler who is either a disabled angler or a person

- who has attained the age of 65 to fish for, take or kill any trout or rainbow trout by a single rod and line only, in the reservoirs;
- (c) an other waters fishing licence, which authorises a recreational angler to fish for, take or kill any salmon, migratory trout, trout, rainbow trout and eels by a single rod and line only, in any waters other than the reservoirs or a coarse fishery; and
  - (d) a coarse fishing licence, which authorises a recreational angler to fish for any coarse fish by a single rod and line only, in any coarse fishery or the Eairy Dam but not the reservoirs.
- (3) A recreational angler must not hold for any period more than one licence of the same class specified in paragraph (2).
  - (4) For the purposes of section 82 of the Act, the classes of licence specified in paragraph (2) are to be treated as licences of the same description.
  - (5) A licence specified in paragraphs (2)(a), (b) and (c) may be issued for a period of one day, one week or a season as specified in column 2 of the Schedule.

## **6 Application for issue of licences and duty payable**

- (1) A recreational angler who wishes to fish for any salmon, migratory trout, trout, rainbow trout, eels or coarse fish must apply for a licence and supply the Department with such information relating to the application for that licence and the intended fishing activities.
- (2) Subject to paragraphs (3) and (4), a recreational angler must pay to the Department in respect of, and at the time of, an application for any fishing licence specified in column 1 of Part 1, 2 or 3 of the Schedule to these Regulations, the duty specified in column 2 of that Schedule.
- (3) The duty payable in respect of a licence application under Part 4 of the Schedule is waived in respect of –
  - (a) 2 or more recreational anglers who are taking part in an event organised by the Department for the purposes of promoting angling;
  - (b) facilitators authorised by the Department to assist participating anglers at an angling event; or
  - (c) any public officer who, with the written authorisation of the Department, assists a licensed disabled angler under the care of that public officer.
- (4) Any duty payable set out in the Schedule is waived in respect of a recreational angler appointed as a fishery watcher under section 6(2) of the Act.

## PART 3

### SALMON, MIGRATORY TROUT, TROUT, RAINBOW TROUT AND EELS

#### 7 Prohibition of use of certain fishing equipment

- (1) A recreational angler must not, for the purpose of catching or killing or attempting to catch or kill any salmon, migratory trout, trout, rainbow trout or eels in any waters, use any of the following equipment —
- (a) a line any part of which has a breaking strain in excess of 4.5 kilograms (10lb) with the exception of traditional fly lines where the final tippet or leader must not exceed 4.5 kilograms (10lb);
  - (b) subject to paragraphs (2) and (3), a line with more than one hook attached; or
  - (c) a hook larger than size 6 with a maximum gape of 9mm,

nor have such equipment in their possession in such circumstances as to satisfy the court before which they are charged that they intended at the time to catch or kill any salmon, migratory trout, trout, rainbow trout or eels by means thereof.

- (2) Paragraph (1)(b) does not apply in respect of the following —
- (a) tackle comprising a leader and point fly, with one or two dropper flies attached to that leader where it was being used or was intended to be used for fly fishing only;
  - (b) the tackle known as a spinner, lure and spoon where the tackle was being used in a manner consistent only with the proper use of a spinner, lure or spoon.
- (3) Despite paragraph (1)(b), where tackle referred to in paragraph (2)(b) is used, it is permissible to use a double or a treble hook comprising 2 or 3 points on a common shaft.
- (4) For all fishing methods, the total maximum casting weight of terminal tackle shall not exceed —
- (a) in a reservoir, 15 grams;
  - (b) in a river, 20 grams.
- (5) A recreational angler must not, for the purpose of catching or killing or attempting to catch any trout or rainbow trout in the reservoirs, use a rubber worm or similar artificial bait.
- (6) A recreational angler must not use in fishing for salmon, migratory trout, trout, rainbow trout and eels, any bait on more than a single hook.
- (7) The use of any lure or bait not on or attached to a hook is prohibited.
- (8) During the months of November to January inclusive, barbless or crimped hooks must be used for fishing in the reservoirs.



## **8 Method of fishing at certain reservoirs**

A recreational angler must not fish at the Clypse Reservoir or the Kerrowdhoo Reservoir other than using a traditional fly fishing method.

## **9 Use of barbless hooks**

- (1) Despite paragraph 8(8), a single barbless or crimped hook must be used at all times when fishing a buoyant fly or other buoyant lure sub-surface on a sinking line on the reservoirs.
- (2) In this regulation “sinking line” means any line fished below the surface of the water, with the exception of the final tippet attached to a traditional floating fly line.

## **10 Times of fishing**

A recreational angler must not fish in any reservoir except between the hours of 6.00 am, or sunrise, whichever is the later, and 30 minutes after sunset, or 10.30 pm, whichever is the earlier.

## **11 Use of bait**

- (1) A recreational angler must not use in any of the reservoirs, any live bait, worms, ground bait or organic matter, including any substance with which artificial bait may be impregnated and which is designed to disperse through the water and attract fish by sense of smell.
- (2) When fishing for salmon, migratory trout, trout, rainbow trout or eels a recreational angler must not use as bait crayfish of any species whether alive or dead, or parts thereof.
- (3) When fishing for salmon, migratory trout, trout, rainbow trout or eels a recreational angler must not use as bait roe of any fish species.

## **12 Prohibition on killing of small fish**

A recreational angler must not take from any waters any fish of a kind and size less than —

- (a) salmon, 45 cm;
- (b) migratory trout, 35cm;
- (c) trout, 25cm.

## **13 Licence conditions in respect of a daily catch limit**

- (1) A recreational angler must not in any one day capture and kill —
  - (a) in the case of a recreational angler in possession of a reservoir fishing licence, more than 4 fish;

- (b) in the case of a recreational angler in possession of a concessionary reservoir fishing licence, more than 2 fish;
  - (c) in the case of a recreational angler in possession of a reservoir fishing licence in the months of November to January inclusive on the reservoirs, more than 2 fish;
  - (d) in the case of a recreational angler in possession of an other waters fishing licence, a maximum of 3 fish per day, of which no more than one may be a salmon or a migratory trout;
  - (e) in the case of a recreational angler in possession of an other waters fishing licence, during the month of October, one salmon or migratory trout only.
- (2) A recreational angler must not continue to fish after capturing and retaining a single salmon or migratory trout or the maximum number of any other fish referred to in paragraph (1).
- (3) For the purposes of this regulation “day” means from 00.00 hours to 24.00 hours following.

#### **14 Fishing for salmon and migratory trout in October**

Any recreational angler fishing for salmon and migratory trout in the month of October must be in possession of an other waters fishing licence which has been issued in respect of the whole season.

#### **15 Use of lead weights**

- (1) Subject to paragraph (2) a recreational angler must not use for taking salmon, migratory trout, trout, rainbow trout or eels in any waters any instrument to which is attached directly or indirectly, a lead weight.
- (2) Paragraph (1) above does not prohibit the use of a lead weight of 0.6 grams or less (No. 8 shot).

#### **16 Closure of reservoirs**

A reservoir fishing licence does not confer on any recreational angler any right of fishing —

- (a) in any reservoir; or
  - (b) in any part of a reservoir,
- where —
- (i) the Manx Utilities Authority has closed that reservoir or part of that reservoir for fishing;
  - (ii) the Department has temporarily closed that reservoir or that part of that reservoir for fishing for the purpose of stocking or enabling the carrying out of maintenance; or

- (iii) the Department has closed that reservoir or part of that reservoir for the purpose of a specific angling event for children.

## **17 Licence conditions in respect of eels**

A recreational angler must not, except with the written authority of the Department, retain any eels.

## **PART 4**

### **COARSE FISH**

## **18 Coarse fishing**

Fishing for coarse fish is prohibited in any waters other than private or commercial fisheries or in Eairy Dam.

## **19 Return of coarse fish**

A recreational angler may not fish for coarse fish other than by using a catch and release technique.

## **20 Use of landing nets, keep nets and keepsacks**

- (1) A recreational angler must not use —
  - (a) a keep net —
    - (i) with any knotted meshes or meshes of metallic material;
    - (ii) having any holes in the mesh larger than 25 millimetres internal circumference;
    - (iii) of less than 2.0 metres in length; or
    - (iv) with supporting rings or frames greater than 40 centimetres apart (excluding the distance from the top frame to the first supporting ring or frame) or less than 120 centimetres in circumference; or
  - (b) a keepsack —
    - (i) not constructed of a soft, dark coloured, non-abrasive, water permeable fabric;
    - (ii) having dimensions of less than 120 centimetres by 90 centimetres if rectangular; or
    - (iii) having dimensions of less than 150 centimetres by 30 centimetres by 40 centimetres if used with a frame or designed with the intention that a frame be used.

- (2) A recreational angler must not retain more than one fish in a single keepsack at any time.

## **21 Prohibition of sale of coarse fish**

A recreational angler must not sell, offer or expose for sale or have in his or her possession for sale any coarse fish taken by rod and line.

# **PART 5**

## **COMMON AND MISCELLANEOUS PROVISIONS**

## **22 Foul hooking**

- (1) A recreational angler must not use a rod and line in such a manner as is calculated to foul hook any fish.
- (2) A recreational angler must return to the water, causing the least possibly injury and as soon as practically possible, any fish which has been foul hooked.

## **23 Requirement to use a landing net**

- (1) Any recreational angler fishing in any waters must be in possession of and use a landing net to remove fish from the water.
- (2) A recreational angler must not use a landing net with any knotted meshes or meshes of metallic material.

## **24 Restriction on placing fish, etc. in waters**

A recreational angler must not, except with the written authority of the Department, place any fish or the fry or eggs or spawn of any such fish in any waters.

## **25 Unattended rods**

A recreational angler must not leave a rod and line with its bait or hook in the water unattended or so that they are unable at any time to take or exercise sufficient control over the rod and line.

## **26 Offences**

Where a recreational angler —

- (a) contravenes a provision of these Regulations; and
- (b) that contravention is not an offence under the Act,

the recreational angler commits an offence under these Regulations and is liable on summary conviction to a fine not exceeding £1,000.

**PART 6**

## REVOCATION

**27 Revocation**

The following Regulations are revoked —

- (a) Inland Fisheries Regulations 2011<sup>2</sup>;
- (b) Inland Fisheries (Amendment) Regulations 2013<sup>3</sup>;
- (c) Inland Fisheries (Amendment) Regulations 2014<sup>4</sup>;
- (d) Inland Fisheries (Amendment) (No.2) Regulations 2014<sup>5</sup>; and
- (e) Inland Fisheries (Amendment) Regulations 2015<sup>6</sup>.

**MADE 6<sup>TH</sup> FEBRUARY 2017**

**G BOOT**

*Minister for Environment, Food and Agriculture*

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<sup>2</sup> SD0762/11

<sup>3</sup> SD0326/13

<sup>4</sup> SD 2014/0083

<sup>5</sup> SD 2014/0325

<sup>6</sup> SD 2015/0339

**SCHEDULE**

## Regulation 6

**LICENCE FEES****PART 1**

## RESERVOIRS

<b>Column 1</b> <i>Reservoir fishing licence</i>	<b>Column 2</b> <i>Fee</i>
	<b>10 March each year to 31 January in the following year</b> £
Adult - Season reservoir licence	208.00
Adult - 1 week reservoir licence	74.50
Adult - 1 day reservoir licence	16.30
Young Person – season reservoir licence	78.80
Young Person – 1 week reservoir licence	32.60
Young Person – 1 day reservoir licence	9.20
Child – season reservoir licence	FREE
Concessionary season reservoir licence	146.50

**PART 2**

## OTHER WATERS

<b>Column 1</b> <i>Other waters fishing licence</i>	<b>Column 2</b> <i>Fee</i>
	<b>1 April to 31 October each year</b> £
Adult – season other waters licence	69.00
Young Person – season other waters licence	27.00
Child – season other waters licence	FREE
	<b>1 April to 30 September each year</b> £
Adult – 1 week other waters licence	27.00
Adult – 1 day other waters licence	11.00
Student – 1 day other waters licence	7.00

**PART 3**

## COARSE FISHING

<b>Column 1</b> <i>Coarse fishing licence</i>	<b>Column 2</b> <i>Fee</i>
	<b>1 January to 31 December each year</b> £
Adult - annual coarse fishing licence	11.00
Child – annual coarse fishing licence	FREE

**PART 4**

## GENERAL LICENCES, PERMITS OR AUTHORISATIONS

	Charge (daily rate per angler)			Minimum charge
	Adult £	Young Person £	Child £	£
Coarse fishing	1.00	1.00	Free	50.00
Salmonid fish and eels on IOM Government Reservoirs	16.30	9.20	Free	163.00
Salmonid fish and eels – other waters	11.00	7.00	Free	110.00

**Note:** A free child's licence is only valid until the child has attained their fourteenth birthday, irrespective of the date of issue and/or the date within the relevant fishing season. A young person's licence is only valid until that young person has attained their nineteenth birthday, irrespective of the date of issue and/or the date within the relevant fishing season

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set down provisions for recreational angling in the Island's reservoirs and inland waters.

**Part 1** sets out the title (*regulation 1*), commencement of the Regulations (*regulation 2*) and the interpretation (*regulation 3*).

**Part 2** contains provisions for the annual close season, fishing licences and duties in respect of those fishing licences.

Provision is made for an annual close season for different fish and different inland waters (*regulation 4*). This regulation also provides that a private or commercial coarse fishery may operate a different close season than that stipulated by the Department.

Different types of licence for different waters are set out along with when those licences are valid from each year. There are four different classes of licence to be issued each year and each licence is in respect of a single rod and line. It is not permitted for a recreational angler to hold more than one of each class of licence (*regulation 5*).

Any application for any of the licences referred to in the Regulations is to be made in a manner specified by the Department. The applicant must provide the Department with such information as the Department requires enabling it to consider the application. The rates of duty payable in respect of each licence are introduced and set out in the Schedule to the Regulations (*regulation 6*).

**Part 3** contains the rules specific to fishing for salmon, trout, migratory trout, rainbow trout and eels.

The prohibition of the use of certain fishing equipment when fishing in the reservoirs or inland waters is set out (*regulation 7*). This regulation also stipulates the maximum breaking strain of line, maximum hook size and the maximum weight of lures that may be used in the reservoirs or other waters. It also prohibits the use of rubber worms or artificial baits in the reservoirs and stipulates that when fishing with live worm a single hook may only be used. A requirement to use barbless or crimped hooks when fishing in the reservoirs during the period from 1 November each year to the 31 January in the following year is set out.

Traditional fly fishing only is to take place at the Clype and Kerrowdhoo reservoirs (*regulation 8*).

When fishing with a buoyant fly or other buoyant lure it is a requirement to use barbless hooks (*regulation 9*).



Fishing in reservoirs may only take place between the hours of 6 am or sunrise, whichever is the later, and 30 minutes after sunset or 10.30 pm, whichever is the earlier (*regulation 10*).

Use of certain baits in the reservoirs is prohibited as is the use of crayfish or roe as bait in inland waters (*regulation 11*).

A minimum landing size in respect of salmon, migratory trout and non-migratory trout is stipulated (*regulation 12*).

A maximum daily catch limit in the reservoirs and inland waters is specified (*regulation 13*).

A person who wishes to fish for salmon or migratory trout during October must hold a season other waters fishing licence (*regulation 14*).

The use of lead weights is prohibited when fishing, other than a weight of 0.6 grams or less which is known as a No.8 Shot (*regulation 15*). The use of non-lead alternatives is permitted however.

Provision is made for the closure of reservoirs to fishing by recreational anglers when deemed necessary. Whether this is by the Manx Utilities Authority to undertake maintenance activity, or by the Department where stocking of fish is taking place. Included in this provision is the ability for the Department to prohibit recreational angling at a reservoir at which a specific event is being held for the purposes of promoting angling for children (*regulation 16*).

It shall be a condition of a licence that no person shall retain eels without the Department's written authority (*regulation 17*).

**Part 4** contains rules specific to coarse fishing.

Fishing for coarse fish may only take place in the Eairy Dam and in private and commercial coarse fisheries (*regulation 18*).

Fishing for coarse fish may only take place where the practice of catch and release takes place (*regulation 19*).

Rules pertaining to the use of keep nets and keepsacks are set down. There is a requirement that any keep net must be made of a knotless material and must be of a particular size. Keep sacks may be used provided they are of the correct material and size also (*regulation 20*). No one may keep more than one fish in a keep sack at any one time.

The sale of coarse fish is prohibited (*regulation 21*).

**Part 5** contains provisions that apply to reservoir, inland waters and coarse fishing. It also contains the Regulation's offences.

The foul hooking of any fish is prohibited and where a fish has been foul hooked it must be returned to the water as soon as practicable causing as little injury as possible (*regulation 22*).

A landing net must be carried by all recreational anglers and used at all times when removing a fish from the water (*regulation 23*).

It is prohibited to place any fish, including the fry or eggs or spawn of such fish into any waters without the written authority of the Department (*regulation 24*).

It is prohibited to leave a rod and line with its bait or hook in the water unattended at any time (*regulation 25*).

Offences under the Regulations may attract a fine of up to £1,000 (*regulation 26*)

The Inland Fisheries Regulations 2011 and any amending Regulations are revoked (*regulation 27*).