

CONFIRMATION INSTRUMENT

The Natural Resources Body for Wales (“NRW”) has applied to the Welsh Ministers for confirmation of the Cross Border Rivers Rod and Line (Salmon and Sea Trout) (Wales) Byelaws 2017 made by NRW on the 8 November 2017.

The Welsh Ministers, with the consent of NRW, have decided to confirm the Cross Border Rivers Rod and Line (Salmon and Sea Trout) (Wales) Byelaws 2017 subject to the variations described in this Instrument.

In exercise of the powers conferred by paragraph 2 of Schedule 26 of the Water Resources Act 1991 and now vested in them, the Welsh Ministers confirm the Cross Border Rivers Rod and Line (Salmon and Sea Trout) (Wales) Byelaws 2017 subject to the following variations—

1 Title and Byelaw 1 - Title

In the Welsh language text, in the title of the Byelaws, “(Eogiaid a Brithyllod y Môr)” is substituted with “(Eogiaid a Brithyllod y Môr) (Cymru)”.

In Byelaw 1, the words “Dee and Wye” shall be inserted after the word “Rivers”.

2 Byelaw 2 – Application

For the final paragraph, substitute—

“These Byelaws shall come into force on 31 January 2020 and shall expire on 31 December 2029.”

3 Byelaw 3 – Interpretation

Byelaw 3 is substituted with—

“Byelaw 3 – Interpretation

In these Byelaws unless the context otherwise requires—

- (a) “artificial fly” means a fishing fly that is primarily constructed from natural or synthetic fur and feather materials and which is designed to attract fish and which incorporates a fishing hook.
- (b) “artificial lure” means any device, including spoons, spinners, wobblers and plugs, or artificial imitation fish baits made of any material which is designed to attract fish and which incorporates a fishing hook.
- (c) “bait” means worm, prawn and shrimp whether natural or artificial.
- (d) “Cross Border Rivers” means those parts of the River Dee and River Wye and their tributaries in Wales.
- (e) “Natural Resources Wales” means the Natural Resources Body for Wales.
- (f) “Salmon” means salmon of the species *Salmo salar* and also includes part of a salmon.

- (g) "sea trout" means any fish of the salmon family commonly known as sea trout or sewin (migratory trout) and also includes part of a trout.
- (h) "the Rod and Line Byelaws 1995" means the Byelaws regulating fishing by means of rod and line and making certain general provisions relating to fishery matters made by the National Rivers Authority Welsh Region.
- (i) Except as provided above or where the context otherwise requires all words and expressions used in these Byelaws shall have the means assigned to them by the Salmon and Freshwater Fisheries Act 1975, the Water Resources Act 1991 and Environment Act 1995 or any statutory modifications or re-enactment thereof."

4 Byelaw 4 – Catch and release with rod and line (salmon)

In the English language text, the word "catch" in the title of Byelaw 4 is substituted with "Catch".

The first paragraph of Byelaw 4 is numbered (1).

The second paragraph of Byelaw 4 is numbered (2).

5 Byelaw 5 – Size Limit (sea trout)

Byelaw 5 is substituted with—

"Byelaw 5 – Size Limit (sea trout)

The following paragraph shall be inserted after Byelaw 7(2) of the Rod and Line Byelaws 1995 (Size Limits - Trout (Excluding Rainbow Trout))—

- "(3) Any person who removes any live or dead sea trout of a size larger than 60 centimetres with rod and line from the River Dee and its tributaries in Wales shall be guilty of an offence.

The size shall be ascertained by measuring from the tip of the snout to the end of the tail.

This byelaw shall not apply to any person who lawfully takes any live or dead sea trout of a size larger than 60 centimetres and returns it immediately to the water with the least possible injury."

6 Byelaw 6 – No bait fishing

Byelaw 6 is substituted with—

"Byelaw 6 - No bait fishing

(1) After paragraph (ac) of Byelaw 2 of the Rod and Line Byelaws 1995 (Interpretation) there shall be inserted—

"(ad) the "Cross Border Rivers" means those parts of the River Dee and River Wye and their tributaries in Wales."

(2) Paragraph (a)(3)(ii) of Byelaw 9 of the Rod and Line Byelaws 1995 (Use of Lures and Bait with Rod and Line) is revoked.

(3) Paragraphs (a)(5)(i) and (ii) of Byelaw 9 of the Rod and Line Byelaws 1995 (Use of Lures and Bait with Rod and Line) are revoked.

(4) After paragraph (a)(2) of Byelaw 9 of the Rod and Line Byelaws 1995 (Use of Lures and Bait with Rod and Line) (Salmon and Trout) there shall be inserted—

"(2A) No person shall fish for, take or attempt to fish for or take any salmon from the River Dee and its tributaries in Wales with rod and line by means of any bait PROVIDED that this restriction shall not apply to a person fishing by means of rod and line with a natural or artificial prawn or shrimp as bait from the 1st September up to and including the 30th September."

7 Byelaw 7 – Hooks

Byelaw 7 is substituted with—

"Byelaw 7 – Hooks

(1) After paragraph (a)(1) of Byelaw 10 of the Rod and Line Byelaws 1995 (Hooks and Hooking of Fish) (Barbless or de-barbed hooks) there shall be inserted—

"(1A) No person shall fish for, take or attempt to fish for or take any salmon or sea trout with rod and line from the Cross Border Rivers except with barbless or de-barbed hooks."

(2) After paragraph (a)(2) of Byelaw 10 there shall be inserted—

"(2A) No person shall use more than one hook with a bait; artificial lure; or artificial fly on the River Dee and its tributaries in Wales unless—

- i) On artificial lures, the use is restricted to one single hook only to a maximum gape of 13 millimetres measured from the shank to the point PROVIDED that this restriction to one single hook shall not apply to wobblers, plugs or artificial imitation fish baits which are allowed up to a maximum of 3 single hooks;
- ii) On artificial flies with a gape greater than 7mm measured from the shank to the point, the use is restricted to one single or one double hook;
- iii) On artificial flies with a gape not greater than 7mm measured from the shank to the point, the use is

restricted to a maximum of 2 hooks with a maximum of 4 points,

and in no case shall any bait; artificial lure; or artificial fly be furnished with more than 3 hooks and no weight or sinker shall be attached below the bait; artificial lure; or artificial fly.

(2B) No person shall use more than one hook with an artificial lure or artificial fly on the River Wye and its tributaries in Wales unless—

- i) On artificial lures, the use is restricted to one single hook only to a maximum gape of 13 millimetres measured from the shank to the point PROVIDED that this restriction to one single hook shall not apply to wobblers, plugs or artificial imitation fish baits which are allowed up to a maximum of 3 single hooks;
- ii) On artificial flies with a gape greater than 7mm measured from the shank to the point, the use is restricted to one single or one double hook;
- iii) On artificial flies with a gape not greater than 7mm measured from the shank to the point, the use is restricted to a maximum of 2 hooks with a maximum of 4 points,

and in no case shall any artificial lure or artificial fly be furnished with more than 3 hooks and no weight or sinker shall be attached below the artificial lure or artificial fly.”

(3) The existing text of paragraph (aa) of Byelaw 10 is numbered (1).

(4) After paragraph (aa)(1) of Byelaw 10, there shall be inserted—

"(2) No person shall fish for, take or attempt to fish for or take any sea trout with rod and line from the Cross Border Rivers by means of any bait furnished other than by a single worm baited on a single barbless or de-barbed hook with the gape of any such hook measured from the shank to the point restricted to 8 millimeters or less."

(5) The existing text of paragraph (c) of Byelaw 10 is numbered (1).

(6) After paragraph (c)(1) of Byelaw 10, there shall be inserted—

"(2) No person shall fish for, take or attempt to fish for or take any salmon or sea trout with rod and line from the River Dee and its tributaries using—

- i) an artificial fishing lure (including an artificial fly) furnished with one or more treble hooks EXCEPT an artificial fly with a gape of not greater than 7mm measured from the shank to the point;
- ii) a bait furnished with a treble hook with a gape of greater than 7mm measured from the shank to the point, or
- iii) a bait furnished with more than one treble hook.”

(3) No person shall fish for, take or attempt to fish for or take any salmon or sea trout with rod and line from the River Wye and its tributaries in Wales using an artificial fishing lure (including an artificial fly) furnished with one or more treble hooks EXCEPT an artificial fly with a gape of not greater than 7mm measured from the shank to the point.””

8 Schedule 1

In Schedule 1, the following rows of text shall be inserted at the bottom of the column headed “Byelaw Number”—

“Byelaw 9(a)(5(i))
Byelaw 9(a)(5(ii))”



Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers

29 January 2020

