

ENVIRONMENT & INFRASTRUCTURE

WATER

THE NATURAL RESOURCES BODY FOR WALES WATER RESOURCES ACT 1991 THE WALES SALMON PROTECTION EMERGENCY BYELAWS 2018

Notice is hereby given that the Natural Resources Body for Wales in exercise of its powers under section 210 of, and paragraphs 6(1)(b), 6(2)(aa) and 6(2)(d) of Schedule 25 and Schedule 27 to, the Water Resources Act 1991 and all other powers enabling it in that behalf, makes the following emergency byelaws for the protection and preservation of fisheries in Wales.

Byelaw 1 – Title

These Byelaws may be cited as the Wales Salmon Protection Emergency Byelaws 2018.

Byelaw 2 – Application

a) These byelaws shall be read in conjunction with the Rod and Line Byelaws 1995 as amended.

b) These Byelaws will apply to those rivers in Wales where Natural Resources Wales carries out its functions relating to fisheries.

c) These Byelaws will come into force on the 1st January 2019.

Byelaw 3 – Interpretation

In these Byelaws unless the context otherwise requires

a) "Natural Resources Wales" means the Natural Resources Body for Wales.

b) "the Rod and Line Byelaws 1995" means the Byelaws regulating fishing by means of rod & line and making certain general provisions relating to fishery matters made by the National Rivers Authority Welsh Region

c) "Wales" means the whole of Wales, together with such part of the territorial sea adjacent to Wales as extends for six miles from the baselines from which the breadth of that sea is measured.

d) Except as provided above or where the context otherwise requires all words and expressions used in these Byelaws shall have the meanings 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.

Byelaw 4 - Annual Close Season for Fishing for Salmon and Migratory Trout other than with Rod and Line

Notwithstanding the start date of the close season contained within existing fisheries byelaws, the annual close season for fishing for salmon and migratory trout, other than with rod and line, in any calendar year shall end on, and include, the 31st day of May with the following exceptions:

i) The seine net fisheries on the river Nevern and its estuary where the annual close season shall end on and include the 31st day of March.

ii) The seine net fisheries on the river Dyfi and its estuary where the annual close season shall end on and include the 31st day of March.

iii) The seine net fisheries on the river Towy and its estuary where the annual close season shall end on and include the last day of February.

iv) The coracle net fisheries on the river Towy and its estuary where the annual close season shall end on and include the last day of February.

v) The coracle net fisheries on the river Taf and its estuary where the annual close season shall end on and include the last day of February.

vi) The seine net fisheries on the river Teifi and its estuary where the annual close season shall end on and include the 31st day of March.

vii) The coracle net fisheries on the river Teifi and its estuary where the annual close season shall end on and include the 31st day of March.

Byelaw 5 – Early Season Catch and Release for Salmon in Specified Net Fisheries

a) Any person who removes any live or dead salmon:

i) from waters specified in any of sub-paragraphs i) to vii) of Byelaw 4; and

ii) which has been taken by a means of net fishing specified in that sub-paragraph

without the written authority of Natural Resources Wales before the 1st June in any calendar year shall be guilty of an offence.

b) This Byelaw shall not apply to any person who lawfully takes a salmon and returns it immediately to the water with the least possible injury.

Byelaw 6 – Early Season Catch and Release for Salmon with Rod and Line

a) Any person who removes any live or dead salmon taken by rod and line from any waters or banks before the 16th day of June in any calendar year shall be guilty of an offence.

b) This Byelaw shall not apply to any person who lawfully takes a salmon and returns it immediately to the water with the least possible injury.

Byelaw 7 – Early Season Method Restriction for Salmon with Rod and Line

Any person who fishes for, takes or attempts to fish for or attempts to take any salmon with rod and line by any means other than an artificial fly or artificial lure before the 16th day of June in any calendar year shall be guilty of an offence.

Byelaw 8 – Exemptions

These Byelaws shall not apply to any employee of Natural Resources Wales acting in their official capacity or to any person who, with the permission in writing of Natural Resources Wales and acting in accordance with any conditions attached to that permission, carries out work connected with the maintenance, improvement or development of fisheries or for scientific purposes.

The controls are intended to be in place for 12 months unless revoked or extended.

Copies of the byelaws have been deposited at the offices at the addresses shown here and will be open to inspection free of charge from Monday to Friday during normal office hours. A copy of the byelaws will be supplied by these offices on demand free of charge to any person or by emailing Fisheries.Wales@cyfoethnaturiolcymru.gov.uk.

Sarah Asbrey

Head of Legal Services

Addresses of NRW Offices:

Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP

Maes y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW

Welsh Government Building, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR

Maes Newydd, Llandarcy, Neath Port Talbot, SA10 6JQ

Rivers House, St Mellons Business Park, St Mellons, Cardiff, CF3 0EY

CORFF ADNODDAU NATURIOL CYMRU

DEDDF ADNODDAU DŴR 1991

IS-DDEDDFAU BRYN AMDDIFFYFN EOGIAID CYMRU 2018

Hysbysir drwy hyn fod Corff Adnoddau Naturiol Cymru wrth arfer ei bwerau o dan adran 210 o, a pharagraffau 6(1)(b), 6(2)(aa) a 6(2)(d) o Atodlen 25 ac Atodlen 27, y Ddeddf Adnoddau Dŵr 1991 a'r holl bwerau eraill sy'n ei alluogi yn y cyswilt hwnnw, yn gwneud yr is-ddeddfau brys canlynol ar gyfer diogelu a gwarchod pysgodfeydd yng Nghymru.

Is-ddeddf 1 – Teitl

Gellir galw'r is-ddeddfau hyn yn Is-ddeddfau Brys Gwarchod Eogiaid Cymru 2018.

Is-ddeddf 2 – Defnydd

a) Darllenir yr is-ddeddfau hyn ar y cyd ag Is-ddeddfau Gwialen a Llinyn 1995 fel y'u diwygiwyd.

b) Bydd yr is-ddeddfau hyn yn berthnasol i'r afonydd hynny yng Nghymru lle mae Cyfoeth Naturiol Cymru'n cyflawni ei swyddogaethau sy'n ymwneud â physgodfeydd.

c) Daw'r is-ddeddfau hyn i rym ar 1 Ionawr 2019.

Is-ddeddf 3 – Dehongliad

Yn yr is-ddeddfau hyn, oni bai fod y cyd-destun yn mynnu'n wahanol:

a) ystyr "Cyfoeth Naturiol Cymru" yw Corff Adnoddau Naturiol Cymru.

b) ystyr "Is-ddeddfau Gwialen a Llinyn 1995" yw'r is-ddeddfau sy'n rheoleiddio pysgota â gwialen a llinyn ac sy'n gwneud darpariaethau cyffredinol penodol mewn perthynas â materion pysgodfeydd a wneir gan ranbarth Cymru'r Awdurdod Afonydd Cenedlaethol

c) ystyr "Cymru" yw Cymru gyfan, ynghyd â'r rhan o'r môr tiriogaethol sy'n gyfagos â Chymru hyd at chwe milltir o'r gwaelodlinau y mae lled y môr hwnnw yn cael ei fesur ohonynt.

d) Ac eithrio fel y darperir uchod neu lle mae'r cyd-destun yn mynnu'n wahanol, bydd yr holl eiriau ac ymadroddion a ddefnyddir yn yr is-ddeddfau hyn yn cael eu diffinio gan yr ystyr a roddir iddynt gan Ddeddf Eogiaid a Physgodfeydd Dŵr Croyw 1975, Deddf Adnoddau Dŵr 1991 a Deddf yr Amgylchedd 1995 neu unrhyw addasiadau neu ailgread statudol ohonynt.