

The coarse fish close season in English rivers

May 2018

History of the coarse fish close season

Background

Coarse angling in England on rivers (and some stillwaters and canals) is subject to a coarse fish close season between 15 March and 15 June, inclusive. It is maintained to protect coarse fish stocks from additional angling pressure in the period around their typical spawning period. However, prohibiting angling on rivers also has other effects, including the reduction of the social and economic benefits from angling.

The close season has been maintained on a precautionary basis – revoking or changing it would entail running a number of risks, most importantly that to maintenance of fish stocks. England Fisheries Group established a study group, comprising representatives from the Angling Trust, Institute of Fisheries Management and the Environment Agency, to examine the available evidence on the effects of the coarse fish close season in England, particularly on rivers, and whether collecting additional evidence to increase our understanding of likely effects of changes to the close season on rivers was possible.

A brief history of the coarse fish close season

We need to go back nearly 140 years to find the origins of the coarse fisheries close season in the UK. Back in those times, match angling was prolific, with much rivalry between local clubs. At the end of a competitive day's fishing, before the advent of keep nets, fish were killed for the weigh-in and, as no close season existed, matches were run all year. This meant that spawning fish were often killed and the overall angling pressure on the fishery was relentless. Recognising that this amount of angling pressure was impacting their sport, some enlightened clubs started lobbying Mr Anthony Mundella, their local Member of Parliament for Sheffield^{1,2}. These events eventually led to the creation of the **Freshwater Fisheries Act (Mundella Act) of 1878**.

The act put in place a seasonal window in time in which coarse fishing was closed on rivers, lakes, ponds and drains. The original draft bill had the close from 1st March to the 31st May. Prior to the bill passing through parliament, the close season period was hotly debated between angling clubs from the North, the London Anglers Association and the Piscatorial Society. During these debates, the stakeholders could not reach consensus on which months to close the water, so they opted for a compromise and split the difference. Henceforth, the close season for coarse fish was fixed from the 15th March to the 15th June inclusive. Ever since 1878, various other types of fisheries-related legislation has been amended or newly introduced. However, from a river angler's perspective, the close season law has remained unchanged. A timeline of fisheries legislation is shown in figure 1.

Since 1878, the competent authority in charge of fisheries management has changed on numerous occasions. **The Salmon and Freshwater Fisheries Act (1923)** encompassed all the previous legislation (Mundella Act & its amendments). The 1923 Act also **established the Fishery Boards** whose role it was to enforce the national Salmon and Freshwater Fisheries Act and manage local waters and bylaws.

In 1948, the River Boards Act created a multifunctional catchment-based organisation. The River Boards held responsibilities for land drainage, fisheries and river pollution. The roles and responsibilities of the former Fisheries Boards were combined with those duties of former catchment boards created under the former Land Drainage Act 1930.

The Salmon and Freshwater Fisheries Act 1975 (amended) consolidated the Salmon and Freshwater Fisheries Act of 1923 with certain other enactments relating to salmon and freshwater fisheries, and repealed certain obsolete enactments relating to such fisheries. Within this act, no changes were made to the by now almost 100 year old rule on the coarse fisheries close season.

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In 1978 the European Freshwater Fish Directive (78/659/EEC) was transcribed into UK regulations. However, this was not about angling or fisheries populations. This directive set standards of water quality for the protection of coarse and game fisheries, together with monitoring requirements. Waters were split into Salmonids & Cyprinids systems and appropriate water quality standards set to support these fish populations.

In 1995 stillwater fisheries were deregulated with regards to the close season (the close season was retained on stillwater SSSIs where year-round angling could affect designated features). The decision was not based on any specific study, but followed consultation with angling, fisheries and other interests. The rationale was twofold:

- Most stillwaters are discrete water bodies in single ownership; this enables the owner to manage the fish stocks and to impose whatever restrictions are felt to be needed, including non-statutory close seasons.
- The fact that the close season had been dispensed with on many stillwaters without any apparent detriment to those fisheries, presented strong evidence in favour of removing it.

Within many closed systems, the fish populations are artificially supplemented by stocking and therefore do not rely on natural recruitment. Furthermore, these closed systems are less subject to influences from the wider catchment, and, more importantly, management of such systems would have a minimal impact on other stakeholders.

In 2000, an independent Salmon & Freshwater Fisheries Review,^{3,4} took place. It recommended the removal of the close season on rivers, but this proposal was rejected by Government due to concerns around a lack of evidence on the impacts of lifting the closed season. As documented in the report, the decision in part was also influenced by lobbyists from other waterway user groups.

In 2000, the close season was lifted on canals. This was based on evidence from a British Trust for Ornithology led study⁵ which compared the differences between canal systems that for various historic reasons were either regulated or unregulated with regards to close seasons. The report's recommendations were supported by all eight Regional Fisheries Advisory Committees. Following further consultations, the byelaw was passed in 2000.

In 2003, the Water Framework Directive (England and Wales) Regulations 2003 came into force. They apply to all surface freshwaters including rivers, canals, and lakes (>50 ha). Fish species as indicators of the ecological health of a waterbody are now part of the WFD classification process. This means that if a waterbody does not meet the necessary criteria for fish ecology, it fails the overarching WFD ecological status test for a waterbody. This factor may influence the precautionary approach taken by the Environment Agency in reviewing the close season rule. WFD superseded the Freshwater Fish Directive (repealed 2013). The former Freshwater Fish Directive designated sites were re-designated as WFD Protected Areas (Fish) and new WFD water quality standard were applied to protect fish stocks in these waters.

In 2004, the Environment Agency commissioned a study⁶ to scope out the work required to make a decision on the close season. The report concluded that there were significant knowledge gaps which required research funding (>£200k) before any reliable decisions could be made. At the time, on cost grounds, a decision was made not to fund this research. This decision in part was influenced by a limited survey (conducted in 2003) of anglers' attitudes towards revoking the close season.

In 2015, the Close Season Steering Group was formed to review the evidence base on the close season debate. The work is ongoing, but will look at any new evidence since the last review in 2004. The Close Season Working Group consists of a small panel of interested parties made up from representatives of the Environment Agency, Angling Trust, Institute of Fisheries Management, angling industry and fish conservation groups

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Figure 1- Timeline of Close Season Fisheries related legislation

