

Annex 6. 2009 'All Wales' NLO

In accordance with section 26(1), (4), (5), (6) and (7) of the Salmon and Freshwater Fisheries Act 1975, the Welsh Ministers hereby confirm the foregoing Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2008 varied (with the consent of the Environment Agency) so as to read as follows.

ENVIRONMENT AGENCY

SALMON AND FRESHWATER FISHERIES ACT 1975

ENVIRONMENT AGENCY (LIMITATION OF NET FISHING LICENCES) (WALES) ORDER 2009

THE ENVIRONMENT AGENCY, in exercise of the powers vested in it by section 26 of the Salmon and Freshwater Fisheries Act 1975⁽¹⁾ and of every other power enabling it in that behalf, hereby makes the following Order:

Title, Commencement and Period of Operation

- 1 (1) This Order is called the Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2009.

- (2) This Order comes into operation on the date of its confirmation by the Welsh Ministers and remains in operation until 31 October 2017

Interpretation

- 2 In this Order—

“the 2007 Order” means the Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2007;

⁽¹⁾ 1975 c. 51; as amended by section 141(5) of and paragraphs 7(1) and 7(6) of Schedule 17 to the Water Act 1989 (c.15) and section 105 of and paragraph 2 of Schedule 15 to the Environment Act 1995 (c.25).

“the Agency” means the Environment Agency;

“the Agency’s area” means the area in respect of which the Agency carries out its functions relating to fisheries pursuant to section 2(1) and 6(7) of the Environment Act 1995;

“draft net” includes a seine net;

“licence” means a fishing licence granted pursuant to the provisions of section 25 of the Salmon and Freshwater Fisheries Act 1975; and

“net licence officer” means such officer as the Agency may from time to time appoint to be responsible for the determination of licence applications throughout those parts of the Agency’s area described in column (1) of the Schedule, including any deputy appointed by the Agency.

Application of Order

- 3 This Order applies throughout those parts of the Agency’s area described in column (1) of the Schedule.

Limitation of fishing licences

- 4 The number of licences to be allocated by and on behalf of the Agency in each year for fishing during that year for salmon or trout other than rainbow trout with an instrument other than rod and line in those parts of the Agency’s area described in column (1) of the Schedule is limited in accordance with the provisions of column (2) of the Schedule.

Applications for fishing licences

- 5 (1) Subject to article 8(2), all applications for licences for each year pursuant to this Order must be made to the appropriate Agency office as specified in column (3) of the Schedule not later than the 31st day of December in the previous year.

- (2) If the number of applications for licences exceeds the number of licences that may be allocated pursuant to article 4 then article 6 applies to the allocation of licences.

Allocation of fishing licences

- 6 (1) Subject to the provisions of this article, the net licence officer will decide the allocation of licences on behalf of the Agency in accordance with allocation criteria determined by the Agency from time to time.
- (2) The Agency must publish the criteria referred in paragraph (1) of this article, and make them available for public inspection at the offices of the Agency referred to in column (3) of the Schedule.
- (3) Subject to paragraphs (5) and (6) of this article, in allocating licences in respect of any part of the Agency's area described in column (1) of Part 1 of the Schedule, the net licence officer must give preference to any person who demonstrates to the satisfaction of the net licence officer that—
 - (a) in the year preceding the year for which the licences are to be allocated that person held a licence issued by the Agency in respect of an instrument which is the subject of the current application; and
 - (b) that person's livelihood is dependent upon fishing.
- (4) Subject to paragraphs (5) and (6) of this article, in allocating licences in respect of any part of the Agency's area described in column (1) of Part 2 of the Schedule, the net licence officer must give preference to any person who demonstrates to the satisfaction of the net licence officer that—
 - (a) in the two years preceding the year for which the licences are to be allocated that person held a licence issued by the Agency in respect of an instrument which is the subject of the current application; and
 - (b) that person's livelihood is dependent upon fishing.
- (5) If the number of licences available for allocation in respect of an instrument specified in the Schedule for use in any part of the Agency's area described in column (1) is insufficient to satisfy the applications made

by all the persons entitled to be given preference as described in paragraph (3) or (4) of this article, as the case may be, a sufficient number of additional licences must be allocated to satisfy such applications.

- (6) Not more than one licence may be allocated to any one person in respect of each part of the Agency's area described in column (1) of the Schedule.
- (6) In considering applications for licences, the net licence officer may require such information from the applicants as considered relevant, and in such form as may be prescribed, by the net licence officer.

Reallocation of fishing licences

- 7 (1) If any licence holder dies after the annual allocation of licences in respect of any part of the Agency's area described in column (1) of the Schedule, that licence must be made available for re-issue and an application for that licence must be considered and if appropriate the licence allocated on such basis and in accordance with such procedure as the Agency considers appropriate while having regard to article 6 of this Order.
- (2) A licence may not become available for re-issue after the annual allocation of licences in any other circumstances.

Revocation and saving

- 8 (1) The 2007 Order is revoked.
- (2) Any application for a licence which satisfies the conditions set out in paragraph (3) will be treated as if it is an application for a licence for 2009 pursuant to this Order made in accordance with article 5(1) of this Order.
- (3) Those conditions are that the application is made—
 - (a) for a licence for 2009 pursuant to the 2007 Order, and
 - (b) in accordance with article 5(1) of the 2007 Order.

SCHEDULE**Articles 3, 4, 5, 6, 7 and 8****PART 1**

<i>(1)</i> <i>Description of Area</i>	<i>(2)</i> <i>Type and Number of Instruments to be Licensed</i>	<i>(3)</i> <i>Appropriate Agency Office</i>
<p>In the River Dysynni: In that part of the river which lies between an imaginary line drawn straight across the said river at a point approximately 400 metres above the railway bridge crossing the said river and that bridge.</p>	1 draft net	Bangor
<p>In the River Taf:</p> <p>(a) in that part of the river which lies between the main road bridge carrying the Carmarthen-Pembroke road situated approximately 1.6 kilometres southwest of St. Clears and an imaginary line drawn straight across the said river from Wharley Point to Ginst Point;</p> <p>(b) in that part of the river which lies between an imaginary line drawn straight across the said river in a south-westerly direction from the Old Lime Kilns and an imaginary line drawn straight across the said river from Wharley Point to Ginst Point.</p>	<p>(a) 1 coracle net</p> <p>(b) 1 wade net</p>	Haverfordwest
<p>In the River Mawddach: In that part of the river which lies between Penmaen Pool, but excluding such pool, and the Network Rail Bridge at Barmouth.</p>	3 draft nets	Bangor
<p>In the River Nevern: In that part of the river which lies between an imaginary line drawn</p>	1 draft net	Haverfordwest

(1) <i>Description of Area</i>	(2) <i>Type and Number of Instruments to be Licensed</i>	(3) <i>Appropriate Agency Office</i>
straight between Cat Rock and the Bennett and an imaginary line drawn straight between Dinas Head and Pen-y-Bal.		
<p>In the Rivers Glaslyn and Dwyryd:</p> <p>(a) in that part of the River Glaslyn which lies between the road bridge carrying the A487 trunk road over the Tremadoc Embankment at Portmadoc and an imaginary line drawn straight from Ynys Cyngar to Harlech Point;</p> <p>(b) in that part of the River Dwyryd which lies between Pont Briwet Toll Bridge and an imaginary line drawn straight from Ynys Cyngar to Harlech Point.</p>	0 draft nets	Bangor
<p>In the River Dyfi:</p> <p>In that part of the river which lies between the railway bridge crossing the said river at a marker post situated at NGR SN 695977 in the County of Gwynedd and an imaginary line drawn straight from a marker post at Aberdyfi situated at NGR SN 621961 in the same county to a marker post situated at NGR SN 621936 on the southern side of the estuary of the said river in the County of Ceredigion.</p>	3 draft nets	Bangor
<p>In the River Conwy:</p> <p>In that part of the river which lies between an imaginary line drawn straight from the east bank of the river due west to the confluence of the Afon Ro and the River Conwy and an imaginary line drawn straight from</p>	3 draft nets	Bangor

(1) <i>Description of Area</i>	(2) <i>Type and Number of Instruments to be Licensed</i>	(3) <i>Appropriate Agency Office</i>
Penmaen-Bach Point to Trwynyggarth.		
<p>In the Rivers Eastern and Western Cleddau:</p> <p>(a) in that part of the River Eastern Cleddau which lies between an imaginary line drawn true west across the said river from the mouth of Minwear Pill and the road bridge (A477) over the Milford Haven Estuary;</p> <p>(b) in that part of the River Western Cleddau which lies between an imaginary line drawn true east and west across the said river between two marker posts erected and maintained by the Agency, one on each bank of the said river, approximately 140 metres above the mouth of the Bedwater Pill at Little Milford House, and the road bridge (A477) over the Milford Haven Estuary.</p>	6 compass nets	Haverfordwest
<p>In the River Teifi:</p> <p>In that part of the river which lies between Cardigan Bridge and Llechryd Bridge.</p>	12 coracle nets	Haverfordwest
<p>In the River Towy:</p> <p>In that part of the river which lies between an imaginary line drawn due east across the said river from a point on the west shore at NGR SN 363115 due east of Ferry Farm at NGR SN 362117 and an imaginary line drawn straight between Wharley Point and a marker post situated at NGR SN 368070.</p>	3 draft nets	Haverfordwest

PART 2

<i>(1)</i> <i>Description of Area</i>	<i>(2)</i> <i>Type and Number of Instruments to be Licensed</i>	<i>(3)</i> <i>Appropriate Agency Office</i>
In the River Teifi: In that part of the river which lies between Cardigan Bridge and an imaginary line drawn straight between Carreglydan and Cemaes Head.	3 draft nets	Haverfordwest
<i>(1)</i> <i>Description of Area</i>	<i>(2)</i> <i>Type and Number of Instruments to be Licensed</i>	<i>(3)</i> <i>Appropriate Agency Office</i>
In the River Towy: In that part of the river which lies between an imaginary line drawn straight across the said river from the Railway Pumping Station near the Old Carmarthen Tinplate Works at NGR SN 420205 and an imaginary line drawn straight across the said river at NGR SN 394137.	8 coracle nets	Haverfordwest