

Live fish movement regulations

Frequently asked questions

December 2014

New rules for fish suppliers and fishery owners in England will take effect on 19 January 2015.

What is happening?

New live fish movement regulations will replace the current two systems of applying for consent for each fish stocking operation and holding a licence to keep non-native fish in the wild. The new scheme relies on each fishery having a single and permanent permit to cover all its fish stocking operations, and fish suppliers being permitted to move fish to these waters.

The Environment Agency is responsible for implementing these regulations in England.

When is this happening?

The regulations come into effect on 19 January 2015 in England and on 20 January in Wales.

Why introduce new regulations?

The existing regulations under the Salmon & Freshwater Fisheries Act and the Import of Live Fish Act are overly bureaucratic, difficult to enforce and apply a "one size fits all" approach, regardless of the potential environmental risk that different fish movements pose.

The new scheme replaces consents for individual stocking operations and separate licences for keeping non-native fish with a single, permanent permit for each site and for each fish supplier. This means less paperwork and allows both fishery managers and fish suppliers to operate more flexibly.

The regulations mean we can focus on those fish movements that pose the greatest risk to the environment, allowing lower risk operations to proceed with less scrutiny.

By regulating each stage of the fish supply chain, anyone choosing to operate outside the law is easier to detect, allowing us to protect fisheries from potentially damaging fish introductions.

How have these new regulations been developed? Who has been involved?

New regulations were recommended by the Salmon and Freshwater Fisheries Review in 2000, and made possible by the Marine and Coastal Access Act, 2009. We have spoken with fishery and fish farming representatives, as well as individual fish farmers and suppliers, to inform our advice to government. The feedback from the fishing industry has made sure the new scheme continues to protect and improve fisheries, while reducing the administrative burden on those involved.

How will the scheme work?

All waters that are stocked need a Site Permit. This permit sets out which species of fish can be stocked into water and whether and which non-native species can be kept in the water. The Site Permit includes standard and site specific conditions to make sure these fishery management operations do not pose an environmental risk.

Fish suppliers must also be permitted. A Supplier Permit allows fish suppliers to move fish for stocking into waters with Site Permits. They must not stock fish into fisheries without a Site Permit.

Site Permits and Supplier Permit carry conditions to make sure stocking fish and keeping non-native species do not pose a risk to neighbouring fisheries or the wider environment.

When moving fish, fish suppliers must carry a consignment note which records what fish are being moved, where they are coming from and where they are going to (see below).

In certain situations, fish suppliers need to notify us before they move fish for stocking to give us the opportunity to inspect the consignment and ensure it complies with the Site Permit. Notifications are only necessary for the minority of stocking operations and only where the operation presents a higher environmental risk (see below).

Please note, using nets, traps or electric fishing to crop fish from rivers and stillwaters will continue to need a separate authorisation.

Together, these measures make sure that the right species of fish are stocked into suitable waters, without posing a risk to neighbouring fisheries or the wider environment, and that we can inspect consignments to make sure everything is in order.

What is a Site Permit?

A Site Permit allows fish to be stocked into a fishery. It is issued to a "responsible person". This is someone with a long-term interest in the site, for example the fishery owner or manager, or an angling club official. The permit sets out which species can be stocked, and whether and which non-native fish can be kept at the site. The permit lists conditions which the permit holder must comply with.

What conditions will be listed on the Site Permit?

The Site Permit conditions may include (but not restricted to):

- Which species may be stocked into the site;
- Whether any non-native fish may be kept at the site and which species (NB. The only non-native fish that may be kept permanently are Wels catfish, zander, brook trout and grass carp, and only in some waters);
- If non-native species are permitted to be kept at the site, what measures the permit holder must put in place and maintain to prevent their escape/release into other waters;
- Whether any non-native species which cannot be kept at the site must be removed;

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- Whether measures are required to control or remove fish from protected sites - Sites of Special Scientific Interest or Special Areas of Conservation/ Special Protection Areas;
- Whether a valid health check is needed to cover fish being stocked into certain waters (namely rivers, canals or "open" still-waters);
- Which source waters may be used when stocking fish into waters containing native freshwater crayfish (to avoid the risk of spreading crayfish plague);
- When a fish supplier needs to notify us in advance of a planned fish movement operation;

How do I obtain a Site Permit?

We will issue Site Permits from 19 January 2015. To apply, you only need to call us on 01480 483 968. Where we have existing fish movement records for a fishery, we will have already produced a draft permit. We will discuss the permit with you over the phone and where necessary, let you know of any constraints which may limit what fish can be stocked or kept. If necessary, we may visit your site. When we have agreed on the permit, we will issue it to you.

For most sites, the process should take no more than 10 working days to produce the final permit. It may take longer for more complex sites or where we need to consult Natural England over a protected site.

Who can hold a Site Permit?

Site Permits are issued to someone with a long term interest in the site. This is normally the fishery owner or manager, or an angling club official.

What waters will a Site Permit cover?

A Site Permit can cover a single still-water, a group of still-waters, a section of river or length of canal.

Waters in England need a Site Permit from the Environment Agency. For waters in Wales, you need to contact Natural Resources Wales.

I have already registered my fishery. How does fishery registration differ from a Site Permit?

Any still-water that is stocked or cropped must be registered with the Fish Health Inspectorate (FHI). This allows the FHI to trace and control outbreaks of certain fish diseases. It does not restrict what fish can or can-not be stocked or removed.

Site Permits regulate fish movements into the site to prevent damage to neighbouring fisheries or the wider environment.

Both are required before a fishery can be stocked.

Will a fish farm need to have a Site Permit?

Fish farm waters that are authorised as Aquaculture Production Businesses (under the Aquatic Animal Health Regulations) are not covered by these regulations. Someone supplying fish from a fish farm to a fishery must have a Fish Supply Permit and must make sure the receiving water has a Site Permit.

How long will a permit last and can I change it once it has been issued?

Your Site Permit is permanent. You only need to apply once. If you need to change it, for example, you decide to change how you manage your fishery and want your Site Permit to include different species, simply call us to discuss. We will change the permit, subject to any constraints on the site, and issue a revised permit. You also need to tell us if you are no longer involved in managing the fishery and wish to pass the permit on to another person.

We may also change or revoke a Site Permit, but will only do so in discussion with the permit holder.

Do I have to pay for my Site Permit?

No, there is no charge for your Site Permit.

Once I have a permit, how do I arrange for fish to be stocked?

When you order fish from a fish supplier, simply provide them with a copy of your Site Permit (or permit reference number, allowing them to obtain a copy from us). They can then make sure they are able to comply with the permit conditions. You can then give them the go-ahead without needing further permission from us.

May I keep non-native fish at my site?

Some non-native fish pose a risk to native fish species and the fisheries they support, as well as to other flora and fauna. We will only permit fisheries to keep certain lower risk species - Wels catfish, zander, grass carp and brook trout - and only then in certain stillwaters. We will place conditions on these Permits to require the permit holder to have measures in place to prevent their escape. We will not permit these species to be kept in rivers or open stillwaters.

We will not permit other non-native species to be kept in any waters, because of the risk they pose to fisheries and the wider environment. Where these are already present, a Site Permit will include conditions to remove them, where this is possible.

How do I apply for a Supplier Permit?

There are two tiers of Supplier Permit.

Tier 1. If you are already authorised as an Aquaculture Production Business by the Fish Health Inspectorate, we will prepare your Supplier Permit in advance. All you need to do is call us from 19 January 2015 on 01480 483 968 and we will issue your permit. Your permit will be permanent and will allow you to move fish to or from any water which has a Site Permit.

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Tier 2. If you are not an authorised Aquaculture Production Business, you will need to phone us to apply for a permit. We will take your details over the phone and issue your permit. This will be permanent and will allow you to move fish to or from any water with a Site Permit.

Supplier Permits contain conditions that you must comply with.

Do I have to pay for my Supplier Permit?

No, there is no charge for your Supplier Permit.

Once I have a permit, what do I need to do to operate?

When you are contracted to move fish on a customer's behalf, you need to check that the fish you are being asked to stock or remove are listed on the Site Permit. You can obtain a copy in two ways: either ask your customer for a copy or obtain the Site Permit reference from your customer and ask us to send you a copy (normally by email).

Once you are satisfied that the planned movement complies with the Site Permit you may proceed, making sure you comply with the conditions of your Fish Supply Permit. You need to make sure you or your representative is carrying a consignment note when moving the fish between waters.

What is a consignment note?

You must carry a consignment note when moving the fish between waters. This records the number, size and species of fish being moved, their source and their destination. You may be asked to produce a consignment note by an Environment Agency officer.

Fish suppliers holding a Tier 1 permit already carry a fish movement record book issued by the Fish Health Inspectorate as part of their Aquaculture Production Business authorisation. Recording the consignment in this will suffice - no further record is required.

Those holding a Tier 2 permit need to complete a specific form, which we will provide.

Do I need to tell you before I move fish?

Fish suppliers holding a tier 1 permit will not need to notify us in advance for the majority of operations. However, some operations pose a higher risk to fish stocks and the wider environment, for which you will need to notify us giving two working days notice. This is in order for us to check compliance with the site permit and may include;

- Stocking fish originating from waters containing invasive non-native species;
- Stocking fish into protected sites (for example Sites of Special Scientific Interest);
- Stocking coarse fish (from any source) into rivers;
- Stocking fish (of any species) from a non-fish farm source into rivers or open stillwaters.

Fish suppliers holding a Tier 2 permit may have to notify us more often.

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Notification will not hold up a stocking operation. However, if we notice from the notification that a planned operation does not comply with a Site Permit, we may contact you before you move the fish.

Do I still need to test the health status of fish I am stocking?

If you plan to stock fish to an "open water", the fish must have a valid health check in place. "Open waters" are those from which fish parasites and diseases can spread to other waters, including rivers, streams, canals, on-line stillwaters and stillwaters prone to flooding. We still require a health check report when each sample of fish destined for restocking is examined, but do not need it to be provided before every stocking operation.

All health checks supporting fish movements must be sent to the Fish Movements Team before the operation takes place.

Can I appeal against a permit decision?

If we refuse to issue a Site Permit or Fish Supply Permit you can appeal against our decision. Likewise you can appeal against any condition we place on a permit.

I have a consent that expires after 19 January 2015.

Some fisheries and fish suppliers will hold consents issued under the current system that expire after 19 January 2015. While we won't issue new consents for operations taking place after this date, any existing consents will remain valid until they expire.

What happens if I don't comply with these regulations?

It will be an offence to stock fish into waters or to keep non-native fish without holding a Site Permit.

It will be an offence to move fish between waters without holding a Supplier Permit;

It will be an offence not to comply with the conditions on either a Site Permit or Supplier Permit.

If you commit an offence, you may be prosecuted.

We can also take action to remove fish that are stocked or kept in contravention to a permit. We will notify Site Permit holders where this is necessary. Permit holders can appeal against this notice.

Where can I get more information?

If you have any queries, please contact our Fish Movements team on 01480 483 968 or by emailing fmapapplications@environment-agency.gov.uk.

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