

ANGLING
TRUST



FISH
LEGAL



Environment
Agency

The New Guide to Reporting Fisheries Crime to the Police

Introduction

Fishing without permission and the theft of fish (from enclosed waters) are criminal offences under the Theft Act, 1968.

The Police are duty-bound to deal with these offences.

This Guide should be used in conjunction with the New Elementary Guide to Freshwater Fisheries Enforcement, which can be downloaded here: <https://www.anglingtrust.net>

Illegal Fishing = Fishing Without Permission

- Fishing without the controller of fishing right's permission, where a private right of fishery exists, is a criminal offence under Schedule 1, Theft Act, 1968 – 'taking or destroying fish or attempting to take or destroy fish'.
- In this context, as defined in Wells v Hardy, 1964, 'taking' does not mean to carry away but 'to lay hands upon, grasp or capture', or to attempt to.
- These offences should be reported on 999 in progress (and as per advice from the National Police Chiefs' Council) or 101 if after the event.
- This offence is recordable, with a unique Home Office Recording Code of 116/11.
- Do NOT call in quoting the above code. Use this to explain to the call-taker or officer attending that the matter is a police responsibility, should he or she be unaware of legislation. Police staff can check and confirm this on Police National Legal Database (PNLD).
- If in the eastern half of England, tell the call-taker that the incident is connected to Operation TRAVERSE, in the west (and Wales) Operation LEVIATHAN, to which the majority of police forces are now subscribed.
- Should be call-taker of officer attending refute fail to understand that this is a criminal matter, refer them to the HO Code and Guide referred to above.

- Should an appropriate level of service not be delivered, please advise your relevant Fisheries Enforcement Support Service Regional Enforcement Manager, who will take the matter up with the force concerned. Contact details here: -

<https://www.anglingtrust.net/page.asp?section=1475§ionTitle=Meet+the+Fisheries+Enforcement+Support+Services+team>

Please Note: -

- There is no general power of citizen's arrest, but the court can order forfeiture of any items used in the commission of the offence, including fishing tackle and even vehicles.
- The maximum fine is £5,000.
- This includes all methods of fishing, including illegal instruments such as nets and even explosives.

Please Note: -

Anglers fishing from boats in *freshwater* require the same permissions as those fishing from the bank.

Evidence

- Clear signage, preferably multi-lingual, indicating the private right of fishery.
- Time, date, location.
- Description of offender(s) and if appropriate vehicle.
- Details of fishing tackle and bait, or illegal instruments.
- Evidence of any equipment or removing fish alive, such as water-filled tanks, air pumps etc.
- Evidence that any fish have been caught and eaten on site.
- That the offender has failed to produce a valid permit upon demand by an authorised bailiff or fishery agent, or reasonable excuse, and/or has refused to quit, and/or has been challenged on a previous occasion.
- Any other relevant fact.

Theft of Fish

In law, fish in rivers are wild animals, free to roam, so cannot be owned until reduced into property by catching.

Fish in enclosed waters under single ownership are considered property and can be stolen. This is simple theft, contrary to Sections 1 – 7 of the Theft Act, 1968 – which every police officer in the country does understand. Schedule One of the Theft Act, please note, also applies to stillwaters.

When reporting the theft of fish from enclosed waters: -

- Make clear that in enclosed waters fish under single ownership are property in law.
- That this is simply theft, contrary to Sections 1 – 7, Theft Act 1968.
- That (if applicable) the offence is in progress.
- That the fish are financially quantifiable.
- The theft is not a matter for the EA, but the police.
- The offender has no written consent from the riparian owner or controller of fishing rights to remove the fish.

Evidence Required

- Time, date, location.
- Description of offenders, vehicles, and equipment.
- Proof of ownership.
- Identify property – big carp, for example, are uniquely identifiable owing to individual characteristics, so these should be photographed and catalogued.
- The suspect was fishing without permission to do so.

Again: -

- If in the eastern half of England, tell the call-taker that the incident is connected to Operation TRAVERSE, in the west (and Wales) Operation LEVIATHAN, to which the majority of police forces are now subscribed.
- Should an appropriate level of service not be delivered, please advise your relevant Fisheries Enforcement Support Service Regional Enforcement Manager, who will take the matter up with the force concerned.

Please note: -

As an indictable offence, there is a power of citizen's arrest attached to theft. However, guidelines issued in 2006 state that such arrests should only be made in 'serious cases' and when no constable is available; intervention would need justifying, and any force used must be reasonable – if considered unreasonable, that would constitute a criminal assault. The Angling Trust's considered advice, therefore, is *not* to attempt citizen's arrests but to await

the arrival of a constable. Please note that the specific citizen's power of arrest previously associated with Schedule One offences has been repealed.

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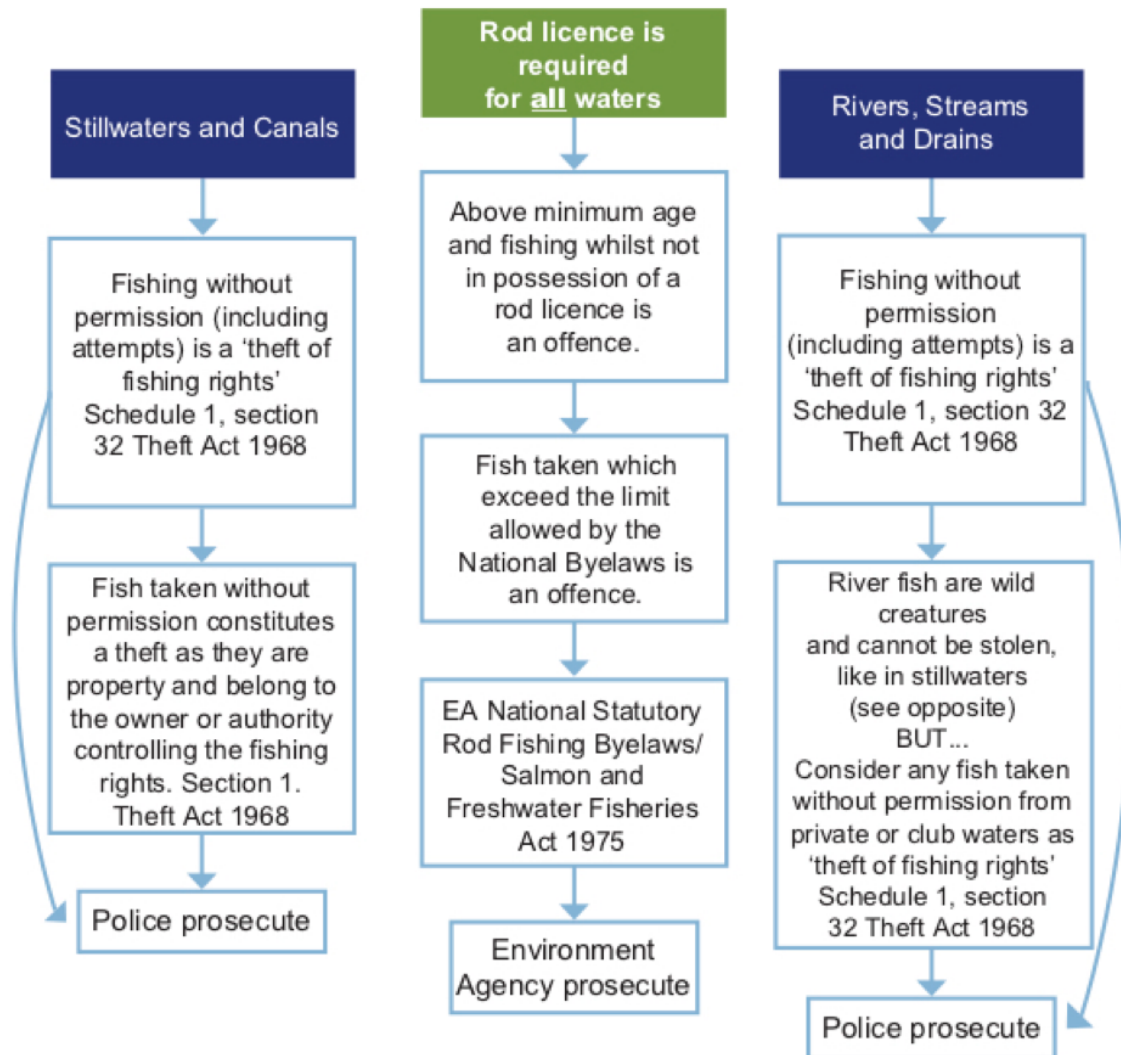
REPORT ILLEGAL FISHING



101 For Non-Emergencies
999 If a crime is taking place
Or The Environment Agency Incident Number:
0800 807060



REPORT OF ILLEGAL FISHING



Call the **Environment Agency**
on **0800 80 70 60**
or the **Police** on **101**
for crime in progress call **999**