
STATUTORY INSTRUMENTS

2003 No. 25

RIVER, ENGLAND

SALMON AND FRESHWATER FISHERIES

**The Prohibition of Keeping or Release of Live Fish
(Specified Species) (Amendment) (England) Order 2003**

<i>Made</i>	- - - -	<i>9th January 2003</i>
<i>Laid before Parliament</i>		<i>9th January 2003</i>
<i>Coming into force</i>	- -	<i>3rd February 2003</i>

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred on her by section 1(1) of the Import of Live Fish (England and Wales) Act 1980⁽¹⁾ and of all other powers enabling her in that behalf; and, in accordance with section 1(2) of that Act, after consultation with English Nature and the Countryside Council for Wales and such other persons as she considers appropriate; and being of the opinion that the species of live fish to which this Order applies might compete with, displace, prey or harm the habitat of any freshwater fish, shellfish or salmon in England, hereby makes the following Order:

Title, commencement and extent

1.—(1) This Order may be cited as the Prohibition of Keeping or Release of Live Fish (Specified Species) (Amendment) (England) Order 2003 and shall come into force on 3rd February 2003.

(2) This Order applies in relation to England only.

Amendment

2. The Prohibition of Keeping or Release of Live Fish (Specified Species) Order 1998⁽²⁾ shall be amended in relation to England as follows—

- (a) in Article 2 (which prohibits the keeping or release of specified fish except under licence) for the words “the Minister” there shall be substituted the words “the Secretary of State”; and

(1) 1980 c. 27; section 1(2) was amended by the Environmental Protection Act 1990 (c. 4), section 132(1)(a) and Schedule 9, paragraph 8; section 1(3) was amended by the Fisheries Act 1981 (c. 24), section 37(2); *see* section 4 for definitions of “fish” and “shellfish”; the function of the Minister of Agriculture, Fisheries and Food under section 1(1) was transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(2) S.I. 1998/2409.

- (b) for the Schedule (which specifies the species of fish whose keeping or release is prohibited except under licence) there shall be substituted the following Schedule—

“SCHEDULE

Article 2

SPECIES OF FISH WHOSE KEEPING OR RELEASE IN ANY PART
OF ENGLAND IS PROHIBITED EXCEPT UNDER AUTHORITY
OF A LICENCE GRANTED BY THE SECRETARY OF STATE

<i>Common Name</i>	<i>Scientific Name</i>
Asp	<i>Aspius aspius</i>
Barbel species	species of the genus <i>Barbus</i> (excluding the native <i>Barbus barbus</i>)
Bass species (including striped bass, white bass and their crosses e.g. hybrid striped bass)	species of the genus <i>Morone</i>
Big-head carp	<i>Aristichthys nobilis</i>
Bitterling	<i>Rhodeus sericeus/Rhodeus amarus</i>
Blacknose Dace	<i>Rhinichthys atratulus</i>
Blageon	<i>Leuciscus souffia</i>
Blue Sucker	<i>Cycleptus elongatus</i>
Blue bream	<i>Abramis ballerus</i>
Burbot	<i>Lota lota</i>
Catfish	species of the genera <i>Ictalurus</i> , <i>Ameiurus</i> and <i>Silurus</i>
Charr species (including American Brook Trout)	species of the genus <i>Salvelinus</i> (excluding the native <i>Salvelinus alpinus</i>)
Chinese black or snail-eating carp	<i>Mylopharyngodon piceus</i>
Chinese Sucker also known as Zebra Hi Fin or banded shark/sucker	<i>Myxocyprinus asiaticus</i>
Common White Sucker	<i>Catostomus commersoni</i>
Danubian bleak	<i>Chalcalburnus chalcoides</i>
Danubian Salmon and Taimen	species of the genus <i>Hucho</i>
Eastern Mudminnow	<i>Umbra pygmaea</i>
European Mudminnow	<i>Umbra krameri</i>
Fathead minnow or Roseyreds	<i>Pimephales promelas</i>
Freshwater minnow also known as Dragon fish or Pale chub	<i>Zacco platypus</i>
Grass carp	<i>Ctenopharyngodon idella</i>
Landlocked salmon	non-anadromous varieties of the species <i>Salmo salar</i>
Large-mouthed black bass	<i>Micropterus salmoides</i>

<i>Common Name</i>	<i>Scientific Name</i>
Marbled trout	<i>Salmo marmoratus</i>
Nase	<i>Chondrostoma nasus</i>
Northern Redbelly Dace (common minnow)	<i>Phoxinus/Chrosomus eos</i>
Pacific salmon and trout (excluding rainbow trout but including steelheads)	species of the genus <i>Oncorhynchus</i>
Paddlefish	species of the genera <i>Polyodon</i> and <i>Psephurus</i>
Perch species	species of the genus <i>Perca</i> (excluding the native <i>Perca fluviatilis</i>)
Pike-perch (including zander)	species of the genus <i>Stizostedion</i>
Pike species	species of the genus <i>Esox</i> (excluding the native <i>Esox lucius</i>)
Red shiner	<i>Cyprinella/Notropis lutrensis</i>
Rock bass	<i>Ambloplites rupestris</i>
Schneider	<i>Alburnoides bipunctatus</i>
Silver carp	<i>Hypophthalmichthys molitrix</i>
Snakehead, Northern or Chinese	<i>Channa argus</i>
Small-mouth bass	<i>Micropterus dolomieu</i>
Southern Redbelly Dace (common minnow)	<i>Phoxinus/Chrosomus erythrogaster</i>
Sturgeon or sterlet	species of the genera <i>Acipenser</i> , <i>Huso</i> , <i>Pseudoscaphirhynchus</i> and <i>Scaphirhynchus</i>
Sunbleak also known as Sundace, Belica or Motherless Minnow	<i>Leucaspius delineatus</i>
Sunfish (including Pumpkinseed, basses, crappies and bluegills)	species of the genus <i>Lepomis</i>
Topmouth gudgeon	<i>Pseudorasbora parva</i>
Toxostome or French nase	<i>Chondrostoma toxostoma</i>
Vimba	<i>Vimba vimba</i>
Weather fish	<i>Misgurnus fossilis</i>
Whitefish species	species of the genus <i>Coregonus</i> (excluding the native <i>Coregonus lavaretus</i> and <i>Coregonus albula</i>)”

9th January 2003

Elliot Morley
Parliamentary Under-Secretary of State,
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Prohibition of Keeping or Release of Live Fish (Specified Species) Order (“the 1998 Order”), in relation to England, by—

- (1) providing that the Secretary of State is to be the licensing authority in respect of the prohibition in the 1998 Order on the keeping or release of specified fish except under licence (article 2(a)); and
- (2) substituting a new Schedule for that contained in the 1998 Order specifying the species of fish to which that Order will apply (article 2(b)).

A Regulatory Impact Assessment has been prepared in relation to this order and deposited in the libraries of both Houses of Parliament. Copies may be obtained from:

Fisheries Division IIB, (Aquaculture, Salmon and Freshwater Fisheries), Department for Environment, Food and Rural Affairs, Nobel House (Room 308), 17 Smith Square, London SW1P 3JR.