



LCFC

Lee Chapel Fishing Club

Overview for Bailiffs of Law pertaining to Fishery Enforcement

Poaching

Fishing without permission comes under:-

- Schedule 1, Theft Act 1968
- Is a Criminal Offence
- Has a Home Office Code **116/11**
- CPS WILL prosecute

Schedule 1, Theft Act 1968

- '...a person who **unlawfully takes** or **destroys**, or **attempts** to take or destroy, **any fish** in water which is private property or in which there is any private right of fishery, shall on **summary** conviction be liable to a fine'
- Maximum Fine: £5,000

'A person is guilty of **theft** if he **dishonestly appropriates property belonging to another** with the **intention of permanently depriving** the other of it'. *Indictable Offence*

Power of Arrest ONLY for police officers and warranted Environment Agency staff (only 100 in England)

- NO Power of Citizen's Arrest
- Court can order forfeiture of any item used in commission of offence
- Any person can seize any item which upon conviction would be forfeited

Fish Theft

- Fish in rivers are 'wild' and NOT 'property'
- Fish in fully enclosed still waters ARE 'property'
- Written Permission Required From Owner to Remove

Evidence Required – examples:-

- Dead Fish • Vehicle • Water Tank • Aerator Pump?

Citizen's Arrest?

Any person can **arrest** a person who is **in the act of committing an indictable offence**

Or

Anyone whom he **reasonably suspects** to be committing such an offence, **if it is not reasonably practicable for a constable to make the arrest** instead and it is necessary to arrest the person for one of the below reasons,

To prevent the person in question:-

- Causing physical injury to himself or any other person;
- Suffering physical injury;
- **Causing loss of or damage to property; or**
- **Making off before a constable can assume responsibility for him.**

In 2006 advice changed

- The public should **ONLY** intervene in **serious cases**
- Justify intervention
- No constable available
- CPS: 'Any force used may be an assault and unlawful'
- Any force used must be 'reasonable'

Police & CPS say

- Only in 'extreme' cases
- Theft of fish 'extreme'?

CALL THE POLICE! Stay Safe