

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

An Advisory Council to the Department of the Environment

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Jackie Tennyson
Discards and Marine Species Protection Team
Department for Environment, Food and Rural Affairs (Defra)
Area 2D Nobel House
17, Smith Square
London SW1P 3JR
VIA EMAIL

Dear Jackie

TOPE (PROHIBITION OF FISHING ORDER 2008) REVIEW

CNCC welcomes the opportunity to comment on the Review of this Statutory Instrument. We would strongly support the proposal that the Order remains in place, in view of the vulnerability of this species to fishing pressure.

We have no information on the effects the catch and release and by-catch provisions set out in the Statutory Instrument.

We are concerned that this Order does not cover Northern Ireland waters (though the waters under the jurisdiction of the Loughs Agency, Lough Foyle and Carlingford Lough, are covered by a separate Regulation). We would welcome pressure from DEFRA on the Fisheries Division of the Department of Agriculture for Northern Ireland to introduce identical provisions for Northern Ireland waters as soon as possible.

We also feel that additional measures are required to achieve further conservation benefit for this species. It is clear that tope are still going to be caught and then returned to the sea once hooks have been released, and often once they have been weighed and measured. As cartilaginous fish they require extremely careful handling to avoid potentially lethal damage to their internal organs. Removal from the water should only be carried out using a stretcher-style sling, and on no account should tope be held upright by the gills for trophy photographs. In addition there needs to be a restriction on the amount of time the fish may be kept out of water. At the very least, along with the renewal of this Order, a guidance leaflet should be issued to all angling organisations, charter boats and tourist offices where sea angling may be offered to visitors. The code of best practice published by the National Marine Sport-fish Tagging and Conservation Programme would be a good starting point (see www.save-our-sharks.org).

Yours sincerely



**PATRICK CASEMENT
CHAIRMAN**