

FISH LEGAL ADVICE ENQUIRY POLICY

Fish Legal is a membership organisation and everything we do is funded collectively by our club, riparian, fishery and individual members. In the past, the Anglers' Conservation Association (as we were previously named) focussed its efforts almost exclusively on fighting pollution cases, but over the last 5 years Fish Legal has offered its members (excluding individual supporters) free legal advice on a wide range of environmental and angling issues. This has been very popular, but demand has risen and we now open between 250 - 350 advice files every year. The time taken for each advice matter varies greatly from a couple of hours through to complex ongoing advice lasting several months. Unfortunately, the increasing volume of enquiries is putting a strain on the resources available from membership subscriptions, and making it harder to allocate resources to fighting pollution and other cases, which remain a core part of what we do.

This document is intended to establish some general rules that will help us manage advice enquiries from existing and new members of Fish Legal. The aim is to ensure our resources can be spread fairly between members, and to manage increasing demand sustainably.

- Advice shall only be given to eligible Fish Legal members (categories decided by the Fish Legal Committee and published from time to time). If membership lapses the relevant file shall be closed.
- Eligible members (which excludes individual supporters) are entitled to seek advice from Fish Legal up to a maximum of 3 times in a calendar year. New or additional instructions on the same or similar issue that require a significant amount of additional work on top of the original request will be counted as a new advice matter for the purpose of calculating this limit.
- Eligible members are entitled to a maximum of 2 advice enquiries in any one month.
- New members joining to obtain advice on an issue which they knew about before joining will only be entitled to two telephone calls with the case handler on that matter, or, one telephone call and a letter. Otherwise this could result in an unfair allocation of resources where a new member joins with pre-existing problems and immediately requires potentially substantial work. This will count towards the 3 enquiry limit explained above.
- Due to the volume of enquiries we receive, and the legal action we refer to in the following paragraph, we will no longer be able to offer specific advice about canoes and canoeing/public rights of navigation/private rights of navigation/voluntary access agreements or arrangements matters. However, we do have factsheets available and standard template letters which members can edit to send to canoeing campaigners who are sending notices to angling clubs asserting that a general public right of navigation exists (which it doesn't).

- Fish Legal is currently in the initial stages of legal action against the British Canoe Union and the other national governing bodies in England and Wales regarding its publications encouraging unlawful navigation and asserting public/universal rights to canoe. Fish Legal will be putting all its allocated resources in this area into this important case which could result in court proceedings soon. The result of which will hopefully benefit all Fish Legal members affected by canoeing related matters.
- Fish Legal must ensure that it is able to devote sufficient resources to fighting legal cases on pollution and other environmental damage (or threats) to members' fishing. In order to do this for the benefit of all our members, Fish Legal will exercise its discretion in deciding whether it is able or willing to help with any advice enquiry or issue, including those not expressly mentioned in this policy document. Discretion in the application of this policy may also be exercised in exceptional circumstances.
- Fish Legal is committed to providing the best possible membership benefits that it can within the constraints of its resources and will always do its best to help angling clubs and fisheries in need of help, even if that may be limited to helping members seek appropriate advice or representation from other legal practitioners.
- Pollution claims, other claims for damages or legal remedies, and any other environmental law case that Fish Legal agrees to pursue or investigate for members are not covered by this general advice policy and are managed in line with our Terms of Engagement signed at the outset of each case.

Fish Legal Committee

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