



CHAPTER xciv.

An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1923 relating to the River Severn and other waters. A.D. 1930.
[4th June 1930.]

WHEREAS under the provisions of the Salmon and Freshwater Fisheries Act 1923 the Minister of Agriculture and Fisheries has made a Provisional Order which needs confirmation by Parliament : 13 & 14
Geo. 5. c. 16

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Order which as amended is set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in
schedule
confirmed.

2. This Act may be cited as the Severn District Fisheries Provisional Order Confirmation Act 1930, Short title,

A.D. 1930.

SCHEDULE.

RIVER SEVERN DISTRICT FISHERY
ORDER 1929.

The Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister") by virtue and in exercise of the powers vested in him by the Salmon and Freshwater Fisheries Act 1923 with a view to the maintenance improvement and development of the salmon fisheries of the Fishery District of the River Severn hereby makes the following Order for the regulation of such fisheries :—

Definition
of area
affected by
Order.

1. This Order applies to so much of the Fishery District of the River Severn (hereinafter referred to as "the Fishery District") as includes the said River Severn and its tributaries above Tewkesbury Weir.

Imposition
collection
and recovery
of contribu-
tions
assessed on
private
fisheries.

2. For defraying expenses incurred in carrying into effect the Salmon and Freshwater Fisheries Act 1923 the Board of Conservators of the Severn Fishery District (hereinafter referred to as "the Fishery Board") may impose collect and recover in a summary manner contributions to be paid by the owners of fisheries in the Fishery District liable to be assessed as provided in article 3 hereof and such contributions shall be apportioned on the several owners in proportion to the assessed value of their fisheries :

Provided that no order imposing a contribution shall be made at any meeting of the Fishery Board unless notice of an intention to impose a contribution at such meeting shall have been given in the notice convening the meeting which notice shall be issued one fortnight at least before the date of the meeting.

Fisheries
liable to
be assessed.

3. Subject to the provisions of this Order the fisheries liable to be assessed shall be all private fisheries for salmon in the part of the Fishery District affected by this Order which are of the yearly value of five pounds or upwards.

Yearly value
for purposes
of assess-
ment.

4.—(1) The yearly value of a fishery for salmon shall be the rent at which the same might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenants' rates and taxes (if any) and to bear the cost of repairs and insurance and the other expenses (if any) necessary to maintain the fishery in a state to command such rent.

(2) The Fishery Board shall as soon as possible after the confirmation of this Order cause a notice of intention to make an assessment of fisheries in the form (Form I) set forth in the schedule to this Order to be published as an advertisement once in each of two successive weeks in some newspaper circulating in the area to which this Order applies. A.D. 1930.

5.—(1) The Fishery Board shall appoint an assessment committee of not less than ten members of the Board of whom five shall form a quorum and such committee shall cause the yearly value of every fishery which appears to them to be liable to be assessed to be determined either by agreement with the owner thereof or in default of such agreement in the manner provided by this section : Assessment committee.

Provided that the assessment committee may from time to time appoint a subcommittee or subcommittees of its members and may delegate to such subcommittee or subcommittees such of its powers and duties as it may from time to time determine.

(2) If the assessment committee or a subcommittee thereof and the owner of a fishery fail to agree as to the yearly value of the fishery the committee may provisionally assess the yearly value of a fishery at such amount as they think reasonable and notify such provisional assessment by registered post to the reputed owner of the fishery by a notice in the form (Form II) set forth in the schedule hereto. If no objection to such provisional assessment is received by the clerk of the assessment committee within fourteen days after the date on which the notice was posted the yearly value of the fishery shall for the purposes of this Order be deemed to have been determined by agreement at the amount stated in the notice and the person to whom the notice was sent shall be entered in the register of assessments as the owner of the fishery. If objection is duly made to such provisional assessment and the assessment committee or a subcommittee thereof and the owner of the fishery fail to agree as to the yearly value of the fishery the yearly value may be determined by a single arbitrator appointed in default of agreement on the application of either party by the Minister under and in accordance with the provisions of the Arbitration Act 1889 provided that the remuneration of the arbitrator shall be fixed by the Minister.

(3) A clerk may be appointed by the assessment committee but in the absence of such appointment the clerk of the Fishery Board shall be the clerk of the committee.

(4) A member of an assessment committee or of a subcommittee thereof shall not act as such in relation to a fishery if he is owner or occupier of the fishery or the agent of the owner or occupier.

A.D. 1930.

Register of
assessments.

6.—(1) The yearly value of a fishery when determined shall if amounting to five pounds or upwards be entered by the clerk of the Fishery Board in the register of assessments with a description of the fishery and the name and address of the owner or reputed owner thereof. The clerk of the Fishery Board may upon the application of any person claiming to be the owner of a fishery entered in such register and upon such evidence of ownership as appears to him to be sufficient insert the name and address of the applicant in the register as the owner of the fishery in the place of any person so entered as owner thereof.

(2) The register of assessments shall be kept at the office of the clerk of the Fishery Board and be open to inspection free of charge by any person bonâ fide claiming to be an owner or occupier of a fishery registered or liable to be registered therein or by the agent of an owner or occupier or by any person liable under any agreement to pay the contributions imposed under this Order on any such fishery and this right of inspection shall include a right to make copies of entries in the register.

Recovery
of contribu-
tions.

7.—(1) The Fishery Board shall determine the date upon which contributions imposed under this Order shall be payable and shall send by post notices of demand for payment of the contributions in the form (Form III) set forth in the schedule to this Order to the persons entered in the register of assessments as owners or reputed owners of fisheries.

(2) Contributions shall be payable by such persons at the time stated in the notice to the collector appointed by the Fishery Board to receive such contributions provided that if the collector cannot ascertain the owner of any fishery or if the owner of any fishery makes default in payment of a contribution the contribution may be recovered from the occupier of such fishery as hereinafter provided.

(3) In any case where the collector cannot ascertain the owner of a fishery or the owner of a fishery is in default in payment of a contribution the Fishery Board shall send by post a notice in the form (Form IV) set forth in the schedule to this Order to the occupier of such fishery and the contribution shall be paid by the occupier to the collector at or before the time stated in the notice and shall be recoverable in a summary manner by the Fishery Board without prejudice to any right of the occupier to be reimbursed by the owner the amount thereof.

(4) In any proceedings for the recovery of a contribution a certificate in the form (Form V) set forth in the schedule to this Order purporting to be signed by the clerk of the Fishery Board shall be sufficient evidence of the facts therein stated and unless the contrary is proved the person entered in the register of assessments as owner or reputed owner of a fishery shall for the purpose of any such proceedings be deemed to be the owner of the fishery.

8.—(1) Subject as herein provided the assessment committee shall on the application of any person claiming to be the owner of a fishery liable to be assessed under this Order proceed as soon as is practicable to—

A.D. 1930.
—
Apportionment &c. of assessments.

- (i) determine the yearly value of the fishery in the manner hereinbefore provided if it has not been determined either separately or in one assessment with another fishery; or
- (ii) apportion the assessed yearly value between the fishery of the applicant and any other fishery included in the same assessment; or
- (iii) re-determine the yearly value of the fishery.

(2) In the case of apportionment notice of the application shall be given to the owner of any other fishery included in the same assessment and the committee shall apportion the yearly value between the fisheries but the owner of any fishery may by notice in writing delivered or sent by post to the clerk of the Fishery Board within seven days after receipt of notification of the apportionment require the apportionment to be made by a valuer appointed by the Minister and the apportionment shall thereupon be so made. The remuneration of the valuer shall be fixed by the Minister and be paid by such one of the owners of the fisheries or by such owners in such shares as the valuer shall direct.

(3) The yearly value of a fishery may be re-determined from time to time without an application by the owner thereof provided that no re-determination without such application shall be made until after the expiration of three years from the date of the previous determination unless the owner consents to the making of it or unless by the making or revocation of a byelaw the yearly value of the fishery is increased or diminished.

(4) The provisions of subsection (2) of article 5 of this Order shall apply in the case of a re-determination under this section.

9. This Order may be cited as the *Severn District Fishery Citation Order 1929.*

A.D. 1930.

SCHEDULE.

FORMS.

FORM I.

Salmon and Freshwater Fisheries Act 1923.

Severn District Fishery Order 1929.

Notice of intention to make an Assessment of Fisheries.

Notice is hereby given that an assessment committee has been appointed by the Board of Conservators of the Severn Fishery District under the Severn District Fishery Order 1929 to assess the yearly value of all private fisheries for salmon in so much of the said Fishery District as includes the said River Severn and its tributaries above Tewkesbury Weir which are of the yearly value of five pounds or upwards and are liable to be assessed.

Owners of fisheries which may be liable to be assessed are requested to communicate with the undersigned giving particulars of their fisheries.

(Signed)
Clerk of the Board of Conservators.

(Address)

Dated

FORM II.

Salmon and Freshwater Fisheries Act 1923.

Severn District Fishery Order 1929.

Notice of Provisional Assessment of Fisheries.

To

Notice is hereby given that (a subcommittee of)* the assessment committee appointed under the Severn District Fishery Order 1929 have provisionally assessed the yearly value of the fishery described in the schedule to this notice at
£ s. d.

If no objection to such provisional assessment by or on your behalf is received by the undersigned within fourteen days after the date of this notice the yearly value of the fishery will for the purposes of the said Order be deemed to have been

* Strike out these words if inapplicable.

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determined by agreement at the amount above stated and in default of any objection you will be entered in the register of assessments as the owner of the fishery. A.D. 1930.

If notice of objection is duly given you will be entitled to have the value determined in default of agreement by arbitration.

(Signed)
Clerk of the Assessment Committee.

Dated

SCHEDULE TO NOTICE.

Description of Fishery as proposed to be entered in
Register of Assessments.

Date on which the notice is sent

FORM III.

Salmon and Freshwater Fisheries Act 1923.

Severn District Fishery Order 1929,

*Notice of Demand for Payment of a Contribution by
the Owner or Reputed Owner of a Fishery.*

To

Notice is hereby given that the Board of Conservators of the Severn Fishery District have imposed a contribution to be paid by the owners of the whole of the fisheries liable to be assessed in so much of the above-mentioned district as includes the said River Severn and its tributaries above Tewkesbury Weir and have directed that the same shall be payable on the day of to of the collector appointed by the Board to receive the same.

The amount payable in respect of such contribution by the owner of the fishery described in the schedule to this notice is £ s. d. which is hereby required to be paid to the said collector on or before the above-mentioned date.

(Signed)
Clerk of the Board of Conservators of the
Severn Fishery District.

Dated

19

A.D. 1980

SCHEDULE TO NOTICE.

Description of Fishery as entered in Register of Assessments.

FORM IV.

Salmon and Freshwater Fisheries Act 1923.

Severn District Fishery Order 1929.

*Notice of Demand for Payment of a Contribution by the
Occupier of a Fishery.*

To

Delete
words
inapplicable.

Notice is hereby given that the Board of Conservators of the Severn Fishery District have imposed a contribution upon the owner of the fishery described in the schedule to this notice amounting to £ and that (the collector appointed by the Board to receive the contribution is unable to ascertain the owner of the said fishery) (the owner of the said fishery has made default in paying the amount due from him).

And also take notice that the said sum of £ is required under the provisions of the above-mentioned Order to be paid by the occupier of the said fishery on or before the day of to of the said collector.

(Signed)

Clerk of the Board of Conservators of the
Severn Fishery District.

Dated the day of

SCHEDULE TO NOTICE.

Description of Fishery as entered in Register of Assessments.
