

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975. (See end of Document for details)*

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

Section 19.

#### Textual Amendments

- F1** Sch. 1 repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 16 para. 15, **22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 15(f), 27(b)

### SCHEDULE 2

Section 25.

#### LICENCES

##### *Duty on licences*

- 1 (1) Subject to sub-paragraph (2) below, there shall be payable in respect of a fishing licence a duty fixed in accordance with this Schedule by [<sup>F2</sup>the appropriate agency].
- (2) [<sup>F3</sup>The appropriate agency] may [<sup>F4</sup> in such cases as it considers appropriate ] grant an exemption from the duty.

#### Textual Amendments

- F2** Words in Sch. 2 para. 1(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 150(2)(a)** (with Sch. 7)
- F3** Words in Sch. 2 para. 1(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 150(2)(b)** (with Sch. 7)
- F4** Words in Sch. 2 para. 1(2) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 16(2)**; S.I. 2009/3345, art. 2, Sch. para. 15(g)

- 2 Different duties may be fixed under paragraph 1 above for [<sup>F5</sup> different descriptions of licence ] and different classes of licence holder.

#### Textual Amendments

- F5** Words in Sch. 2 para. 2 substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 16(3)**; S.I. 2009/3345, art. 2, Sch. para. 15(g)

- 3 [<sup>F6</sup>The appropriate agency] shall at least one month before fixing or altering a duty for the use of [<sup>F7</sup> any licensable means of fishing ] in any part of [<sup>F8</sup>its] area, except a duty payable in respect of a temporary licence, publish in one or more newspapers

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circulating in that part of [<sup>F8</sup>its] area notice of [<sup>F8</sup>its] intention to do so [<sup>F9</sup>and such a notice shall set out the amount of any duty as proposed to be fixed or altered.]

#### Textual Amendments

- F6** Words in Sch. 2 para. 3 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(3)(a)** (with Sch. 7)
- F7** Words in Sch. 2 para. 3 substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 16(4)**; S.I. 2010/298, art. 2, Sch. para. 13
- F8** Word in Sch. 2 para. 3 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(3)(b)** (with Sch. 7)
- F9** Words inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 141, **Sch. 17 para. 7(1)(13)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

- 4 If during the month immediately following the publication of a notice under paragraph 3 above a written objection to the proposed duty is made to [<sup>F10</sup> the appropriate national authority ] by any interested [<sup>F11</sup>person, the appropriate agency shall] not fix or alter the duty without the approval of [<sup>F12</sup> that authority ].

#### Textual Amendments

- F10** Words in Sch. 2 para. 4 substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 16(5)(a)**; S.I. 2009/3345, art. 2, Sch. para. 15(g)
- F11** Words in Sch. 2 para. 4 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(4)** (with Sch. 7)
- F12** Words in Sch. 2 para. 4 substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 16(5)(b)**; S.I. 2009/3345, art. 2, Sch. para. 15(g)

- 5 [<sup>F13</sup> The appropriate national authority ], with or without a local inquiry, may refuse to approve any duty [<sup>F14</sup>submitted by the appropriate agency for][<sup>F15</sup>that authority's] approval under paragraph 4 above or may approve the duty with or without modifications; [<sup>F16</sup>and the appropriate agency, if so directed] by [<sup>F17</sup> that authority ], shall cause notice of any proposed modification to be given in accordance with the direction.

#### Textual Amendments

- F13** Words in Sch. 2 para. 5 substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 16(6)(a)**; S.I. 2009/3345, art. 2, Sch. para. 15(g)
- F14** Words in Sch. 2 para. 5 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(5)(a)** (with Sch. 7)
- F15** Words in Sch. 2 para. 5 substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 16(6)(b)**; S.I. 2009/3345, art. 2, Sch. para. 15(g)
- F16** Words in Sch. 2 para. 5 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(5)(b)** (with Sch. 7)
- F17** Words in Sch. 2 para. 5 substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 16(6)(c)**; S.I. 2009/3345, art. 2, Sch. para. 15(g)

*Status: Point in time view as at 01/04/2013.*

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[<sup>X1</sup>6 No duty fixed under the foregoing provisions of this Schedule shall take effect until the beginning of the year following that in which it is fixed or, in the case of a duty required to be approved by the Minister, in which it is approved by him.]

#### Editorial Information

**X1** Sch. 2 para. 6 beginning “Where the fixing” substituted for para. 6 beginning “No duty” (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 141, [Sch. 17 para. 7\(1\)\(13\)\(b\)](#) (with ss. [58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [194\(9\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))

[<sup>F18</sup>6 Where the fixing or alteration of any duty takes effect under this Schedule at any time, no alteration or, as the case may be, further alteration of that duty shall so take effect within the period of twelve months beginning with that time.]

#### Textual Amendments

**F18** Sch. 2 para. 6 beginning “Where the fixing” substituted for para. 6 beginning “No duty” (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 141, [Sch. 17 para. 7\(1\)\(13\)\(b\)](#) (with ss. [58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [194\(9\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))

7 [<sup>F19</sup>The appropriate agency] may grant a temporary licence, that is to say, a licence authorising the use of [<sup>F20</sup>any licensable means of fishing ] for fishing in circumstances specified in the licence during a period not exceeding 14 days, and may charge in respect of that licence a duty less than the duty fixed for the use of [<sup>F21</sup>that means ] under the foregoing provisions of this Schedule.

#### Textual Amendments

**F19** Words in [Sch. 2 para. 7](#) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(6\)](#) (with [Sch. 7](#))

**F20** Words in [Sch. 2 para. 7](#) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 16 para. 16\(7\)\(a\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)

**F21** Words in [Sch. 2 para. 7](#) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 16 para. 16\(7\)\(b\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)

8 There shall be payable in respect of a general licence such sum as may be [<sup>F22</sup>agreed by the appropriate agency and] the licensee.

#### Textual Amendments

**F22** Words in [Sch. 2 para. 8](#) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(7\)](#) (with [Sch. 7](#))

#### *Net etc. licences for salmon and trout fishing*

[<sup>X29</sup>A person shall be treated for the purposes of section 25(3) above as the duly authorised servant or agent of the holder of a licence to use an instrument of any description only in the following cases—

- (a) in an area in which there is in force an order under section 26 above limiting the number of licences for fishing with instruments of that description, if

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- his name and address are entered on the licence in accordance with the following provisions of this Schedule and he is not the holder of another licence to use an instrument of that description in that area;
- (b) in any other area, if his name and address are so entered or when using the instrument to which the licence relates he is accompanied by the licensee; or
  - (c) in the case of any area, if the water authority direct that owing to special circumstances he is to be so treated.]

#### Editorial Information

**X2** Sch. 2 para. 9 beginning “A person who uses” substituted for para. 9 beginning “A person shall be treated” (E.W. and as mentioned in s. 43(4) of the amending act (border rivers)) by [Salmon Act 1986](#) (c. 62, SIF 52:2), **ss. 36(1), 43(4)**

- [<sup>F239</sup> (1) A person who uses [<sup>F24</sup> any licensable means of fishing ] for fishing in an area in relation to which an order under section 26 above limiting the number of licences for fishing [<sup>F25</sup> by that means ] is in force shall not be treated for the purposes of section 25(3) above as the duly authorised servant or agent of any holder of a licence to use [<sup>F26</sup> that means of fishing ] unless, at the time that person uses [<sup>F27</sup> that means of fishing ]—
- (a) his name and address are entered on the licence in accordance with the following provisions of this Schedule; and
  - (b) he is not himself the holder of a licence to use [<sup>F28</sup> that means of fishing ] in that area; and
  - (c) he is accompanied by the licensee or has the [<sup>F29</sup> consent of the appropriate agency to] his use of [<sup>F30</sup> that means of fishing ] in the absence of the licensee.
- (2) A person who uses [<sup>F31</sup> any licensable means of fishing ] for fishing in an area in which no such order as is mentioned in sub-paragraph (1) above is in force shall not be treated for the purposes of section 25(3) above as the duly authorised servant or agent of any holder of a licence to use [<sup>F32</sup> that means of fishing ] unless, at the time that person uses [<sup>F33</sup> that means of fishing ]—
- (a) his name and address are entered on the licence in accordance with the following provisions of this Schedule; or
  - (b) he is accompanied by the licensee; or
  - (c) he has the [<sup>F34</sup> consent of the appropriate agency to] his use of [<sup>F35</sup> that means of fishing ] otherwise than where there is compliance with paragraph (a) or (b) above.
- (3) [<sup>F36</sup> The consent of the appropriate agency] shall not be given under this paragraph except—
- (a) in the case of a consent for the purposes of subparagraph (1)(c) above, in relation to a period which [<sup>F37</sup> appears to the appropriate agency to be] a period throughout which the licensee will be unable through illness or injury to accompany his servant or agent;
  - (b) in the case of a consent for the purposes of subparagraph (2)(c) above, where the giving of the consent [<sup>F38</sup> appears to the appropriate agency to be] required by the special circumstances of the case.]

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### Textual Amendments

- F23** Sch. 2 para. 9 beginning “A person who uses” substituted for para. 9 beginning “A person shall be treated” (E.W. and as mentioned in s. 43(4) of the amending act (border rivers)) by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), [ss. 36\(1\)](#), 43(4)
- F24** Words in Sch. 2 para. 9(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(i\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F25** Words in Sch. 2 para. 9(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(ii\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F26** Words in Sch. 2 para. 9(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(iii\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F27** Words in Sch. 2 para. 9(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(iv\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F28** Words in Sch. 2 para. 9(1)(b) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(v\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F29** Words in Sch. 2 para. 9(1)(c) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(8\)\(a\)](#) (with Sch. 7)
- F30** Words in Sch. 2 para. 9(1)(c) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(vi\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F31** Words in Sch. 2 para. 9(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(b\)\(i\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F32** Words in Sch. 2 para. 9(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(b\)\(ii\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F33** Words in Sch. 2 para. 9(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(b\)\(iii\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F34** Words in Sch. 2 para. 9(2)(c) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(8\)\(a\)](#) (with Sch. 7)
- F35** Words in Sch. 2 para. 9(2)(c) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(b\)\(iv\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F36** Words in Sch. 2 para. 9(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(8\)\(b\)\(i\)](#) (with Sch. 7)
- F37** Words in Sch. 2 para. 9(3)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(8\)\(b\)\(ii\)](#) (with Sch. 7)
- F38** Words in Sch. 2 para. 9(3)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(8\)\(b\)\(ii\)](#) (with Sch. 7)

- 10 The name and address of a servant or agent may be entered on<sup>F39</sup> or removed from ] a licence by an <sup>F40</sup>employee of the appropriate agency authorised] to do so or by the licensee or an agent who has been appointed by the licensee to act for the purposes of this paragraph and whose appointment, together with his name and address, has been notified to <sup>F41</sup>the appropriate agency].

### Textual Amendments

- F39** Words in Sch. 2 para. 10 inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 16 para. 16\(9\)](#); S.I. 2009/3345, art. 2, [Sch. para. 15\(g\)](#)
- F40** Words in Sch. 2 para. 10 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(9\)\(a\)](#) (with Sch. 7)
- F41** Words in Sch. 2 para. 10 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(9\)\(b\)](#) (with Sch. 7)

*Status: Point in time view as at 01/04/2013.*

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- 11 The date of entry in the licence shall be stated in the licence at the time of the making of the entry, and within twenty-four hours of the making of an entry by a licensee or his agent a copy shall be sent to [<sup>F42</sup>the appropriate agency], <sup>F43</sup>....

#### Textual Amendments

- F42** Words in Sch. 2 para. 11 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(10)** (with Sch. 7)
- F43** Words in Sch. 2 para. 11 repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 217(6)(a), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, **Sch. para. 27(b)**

<sup>F44</sup>12 .....

#### Textual Amendments

- F44** Sch. 2 para. 12 repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 217(6)(b), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. para. 27(b)

- 13 The number of servants or agents whose names may at any time be entered on a licence shall not exceed twice the number of persons who in the [<sup>F45</sup>opinion of the appropriate agency are required] to work at one time [<sup>F46</sup>the means of fishing ] to which the licence relates or, where the applicant for the licence [<sup>F47</sup>notifies the appropriate agency at the time] of the application that he proposes to take part in working [<sup>F46</sup>the means of fishing ], one less than twice that number.

#### Textual Amendments

- F45** Words in Sch. 2 para. 13 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(11)(a)** (with Sch. 7)
- F46** Words in Sch. 2 para. 13 substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 16(10)**; S.I. 2010/298, art. 2, Sch. para. 13
- F47** Words in Sch. 2 para. 13 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(11)(b)** (with Sch. 7)

- 14 Any person who, with intent to deceive, enters on a licence more names than are permitted by paragraph 13 above or states falsely the date of entry in a licence is guilty of an offence.

*[<sup>F48</sup>Historic installations*

#### Textual Amendments

- F48** Sch. 2 para. 14A inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 217(7), 324(3); S.I. 2010/298, art. 2, Sch. para. 13; S.I. 2010/298, art. 2, Sch. para. 13

- 14A (1) Where a fishing licence is granted in respect of an historic installation, the [<sup>F49</sup>appropriate agency] may at any time, subject to this paragraph, impose conditions on its use pursuant to the licence.



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- (2) Conditions under sub-paragraph (1) above are to be imposed by notice in writing to the person holding the licence.
- (3) A notice under sub-paragraph (1) above may be varied or revoked by a further such notice.
- (4) The [<sup>F50</sup>appropriate agency] may only impose conditions under sub-paragraph (1) above where it considers that it is necessary to do so for the protection of any fishery.]

#### Textual Amendments

- F49** Words in Sch. 2 para. 14A(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\)](#), **Sch. 2 para. 150(12)** (with Sch. 7)
- F50** Words in Sch. 2 para. 14A(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\)](#), **Sch. 2 para. 150(12)** (with Sch. 7)

#### Miscellaneous

- 15 Subject to section 26 above, a fishing licence shall be [<sup>F51</sup>granted by the appropriate agency to every] applicant who is at the time of the application not disqualified from holding a fishing licence, on payment of the duty in respect of [<sup>F52</sup>the means of fishing ] to which the licence relates.

#### Textual Amendments

- F51** Words in Sch. 2 para. 15 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\)](#), **Sch. 2 para. 150(13)** (with Sch. 7)
- F52** Words in Sch. 2 para. 15 substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\)](#), **Sch. 16 para. 16(11)**; S.I. 2010/298, art. 2, Sch. para. 13

- 16 A fishing licence shall not confer any right to fish at a place or a time at which the licensee is not otherwise entitled to fish.
- 17 A fishing licence shall not authorise the erection of any structure or the use of any installation or [<sup>F53</sup>other thing ] for or in connection with fishing the erection or use of which would otherwise be illegal.

#### Textual Amendments

- F53** Words in Sch. 2 para. 17 substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\)](#), **Sch. 16 para. 16(12)**; S.I. 2010/298, art. 2, Sch. para. 13

- 18 The production of a printed copy of a statement purporting to be [<sup>F54</sup>issued by the appropriate agency as to] a licence duty fixed and, if it be the case, approved by the Minister under this Schedule shall be prima facie evidence that the licence duty was fixed or approved as there mentioned and of the amount of the duty, and without proof of the handwriting or official position of any person purporting to sign the statement.

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#### Textual Amendments

**F54** Words in Sch. 2 para. 18 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(14)** (with Sch. 7)

## SCHEDULE 3

Section 28.

### ADMINISTRATION

#### PART I

#### ORDERS

##### *Scope*

[<sup>F55</sup>1

An order may provide—

- (a) for the imposition, collection and recovery by a water authority of contributions assessed on several fisheries regulated by the order or on the owners and occupiers of such fisheries;
- (b) for enabling the water authority with the approval of the Minister, but subject to paragraphs 2 and 3 below, to erect and work by themselves or their lessees any fixed engine for catching salmon or migratory trout within the area within which the order is to apply;
- (c) for modifying in relation to the fisheries within the area any of the provisions of this Act which relate to the regulation of fisheries, or of any local Act relating to any fishery within the area.]

#### Textual Amendments

**F55** Sch. 3 paras. 1–5 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, **Sch. 27 Pt I**. (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

2 An order shall not authorise a fixed engine to be worked for a period exceeding five years unless authorisation is from time to time extended by licence of the Minister for such terms as may be specified in the licence and not exceeding at any one time five years.

3 The Minister shall not grant a licence until he has inquired into the effect of the working of the engine on the salmon or trout fisheries within the area.

4 An order may contain any incidental, consequential or supplemental provisions, including provisions for payment of compensation to persons injuriously affected by the order, which may appear to be necessary or proper for the purposes of the order.

##### *Procedure*

5 An application for an order may be made by any of the following, namely—



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- (a) a water authority;
- [<sup>F56</sup>(b) a [<sup>F57</sup>county or metropolitan district council];]
- (c) persons who in the opinion of the Minister are the owners of one-fourth at least in value of the several fisheries proposed to be regulated or constitute a majority of the persons holding licences to fish in public waters within the area of the proposed order;
- (d) any association of persons which in the opinion of the Minister is sufficiently representative of fishing interests within that area.

**Textual Amendments**

**F56** Sch. 3 para 5(b) repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 41, Sch. 17 para. 7(1)(14)(a) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**)

**F57** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, **Sch. 8 para. 20**

6 The applicant for an order shall give such security for the Minister’s expenses as the Minister may require.

<sup>F58</sup>7 .....

**Textual Amendments**

**F58** Sch. 3 para. 7 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

<sup>F59</sup>8 .....

**Textual Amendments**

**F59** Sch. 3 para. 8 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

<sup>F60</sup>9 .....

**Textual Amendments**

**F60** Sch. 3 para. 9 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

<sup>F61</sup>12 .....

**Textual Amendments**

**F61** Sch. 3 para. 12 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

<sup>F62</sup>13 .....

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975. (See end of Document for details)*

**Textual Amendments**

**F62** Sch. 3 para. 13 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**PART II**

**BYELAWS**

*F63 . . .*

**Textual Amendments**

**F63** Heading repealed (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F64**14 . . . . .

**Textual Amendments**

**F64** Sch. 3 para. 14 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F65**15 . . . . .

**Textual Amendments**

**F65** Sch. 3 para. 15 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F66**16 . . . . .

**Textual Amendments**

**F66** Sch. 3 para. 16 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F67**17 . . . . .

**Textual Amendments**

**F67** Sch. 3 para. 17 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F68**18 . . . . .

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975. (See end of Document for details)*

**Textual Amendments**

**F68** Sch. 3 para. 18 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

*Purposes for which Byelaws may be made*

**F69**<sup>19</sup> .....

**Textual Amendments**

**F69** Sch. 3 para. 19 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F70**<sup>20</sup> .....

**Textual Amendments**

**F70** Sch. 3 para. 20 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F71**<sup>21</sup> .....

**Textual Amendments**

**F71** Sch. 3 para. 21 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**21A**<sup>F72</sup> .....

**Textual Amendments**

**F72** S. 21A repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F73**<sup>22</sup> .....

**Textual Amendments**

**F73** Sch. 3 para. 22 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F74**<sup>23</sup> .....

**Textual Amendments**

**F74** Sch. 3 para. 23 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

*Status: Point in time view as at 01/04/2013.*

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F75 24 .....

**Textual Amendments**  
F75 Sch. 3 para. 24 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F76 25 .....

**Textual Amendments**  
F76 Sch. 3 para. 25 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F77 26 .....

**Textual Amendments**  
F77 Sch. 3 para. 26 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F78 27 .....

**Textual Amendments**  
F78 Sch. 3 para. 27 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

28 F79 .....

**Textual Amendments**  
F79 Sch. 3 para. 28 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F80 29 .....

**Textual Amendments**  
F80 Sch. 3 para. 29 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F81 30 .....

**Textual Amendments**  
F81 Sch. 3 para. 30 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975. (See end of Document for details)*

F82 31 .....

**Textual Amendments**

**F82** Sch. 3 para 31 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F83 32 .....

**Textual Amendments**

**F83** Sch. 3 para. 32 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F84 33 .....

**Textual Amendments**

**F84** Sch. 3 para. 33 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F85 34 .....

**Textual Amendments**

**F85** Sch. 3 para. 34 repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F86 35 .....

**Textual Amendments**

**F86** Sch. 3 para. 35 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F87 36 .....

**Textual Amendments**

**F87** Sch. 3 para. 36 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**PART III**

MISCELLANEOUS

F88 37 .....

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975. (See end of Document for details)*

#### Textual Amendments

**F88** Sch. 3 para. 37 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

<sup>F89</sup>38 .....

#### Textual Amendments

**F89** Sch. 3 para. 38 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

- 39 (1) Without prejudice to [<sup>F90</sup>section 4 of the Water Resources Act 1991], [<sup>F91</sup>the appropriate agency—]
- (a) may take legal proceedings in respect of any offence against this Act, or for the enforcement of the provision of this Act or for the protection of [<sup>F92</sup>any fisheries] from injury by pollution or otherwise;
- <sup>F93</sup>(b) .....
- (c) may obtain the services of additional constables under [<sup>F94</sup>section 25 of the Police Act 1996].
- (2) Nothing in this paragraph shall authorise anything to be done which may injuriously affect any navigable river, canal, or inland navigation.

#### Textual Amendments

**F90** Words in Sch. 3 para. 39 substituted (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 30(6)**

**F91** Words in Sch. 3 para. 39(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), art. 1(2), **Sch. 2 para. 151** (with Sch. 7)

**F92** Words substituted by [Water Act 1989](#) (c. 15, SIF 130), ss. 141, 190, **Sch. 17 para. 7(1)(14)(g)(ii)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

**F93** Sch. 3 para. 39(1)(b) repealed by [Water Act 1989](#) (c. 15, SIF 130), s. 190, Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**)

**F94** Words in Sch. 3 Pt. III para. 39(1)(c) substituted (22.8.1996) by [1996 c. 16](#), ss. 103, 104(1), **Sch. 7 Pt. II para. 26**

#### Modifications etc. (not altering text)

**C1** Sch. 3 para. 39(1)(a): by [Salmon Act 1986](#) (c. 62, SIF 52:2), **ss. 32(6)(b)**, 43(4) it is provided that Sch. 3 para. 39(1)(a) is amended (E.W., and as mentioned in s. 43(4) (border rivers))

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SCHEDULE 4

Section 37.

OFFENCES

PART I

PROSECUTION AND PUNISHMENT

- 1 (1) Column 2 of the Table below gives a description of the offences against the provisions of this Act specified in column 1 of the Table, and in relation to any such offence—
- (a) column 3 shows whether the offence is punishable summarily (that is to say, on summary conviction) or on indictment or either in one way or the other; and
  - (b) column 4 shows the maximum punishment by way of fine or imprisonment which may be imposed on a person convicted of the offence in the way specified in column 3 (that is to say, summarily or on indictment), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment for that period.
- (2) A person guilty of an offence against any provision of this Act not specified in the Table shall be liable on summary conviction to a fine not exceeding [<sup>F95</sup>level 4 on the standard scale] or, in the case of a second or subsequent conviction, [<sup>F95</sup>level 4 on the standard scale].
- (3) A person shall be treated as acting together with another for the purposes of the above Table if
- [<sup>F96</sup>(a) both are engaged in committing—
    - (i) an offence under section 1 above, other than one committed without any instrument, or
    - (ii) an offence under section 27 above, other than one committed by means of a rod and line (only), or
  - (b) one is aiding, abetting, counselling or procuring the commission of such an offence by the other.]

TABLE

<b>Provision of Act creating the offence</b>	<b>Description of offence</b>	<b>Mode of prosecution</b>	<b>Punishment</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
[ <sup>F97</sup> Section 1 ...]	[ <sup>F97</sup> Fishing with certain instruments for salmon, trout or freshwater fish and possessing certain instruments for fishing for such fish.]	[ <sup>F97</sup> (a) Summarily ...]  [ <sup>F97</sup> On indictment ...]	<sup>F98</sup> [ <sup>F97</sup> Three months or the statutory maximum or both.]  [ <sup>F97</sup> Two years or a fine of both.]
Section 4 ...	Discharging poisonous or	(a) Summarily ... ..	[ <sup>F99</sup> The prescribed sum] and £40



*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975. (See end of Document for details)*

	injurious matter into waters containing fish or spawn.		for each day on which the offence continues after a conviction thereof.
		(b) On indictment ... ..	Two years or a fine or both.
Section 5(1) ...	Using explosives, poisons, noxious substances or electrical devices to take or destroy fish.	(a) Summarily ... ..	[ <sup>F100</sup> £50,000 ].
		(b) On indictment ... ..	Two years or a fine or both.
Section 5(3) ...	Destroying or damaging dams etc., to take or destroy fish.	(a) Summarily ... ..	[ <sup>F99</sup> The prescribed sum].
		(b) On indictment ... ..	Two years or a fine or both.
F101	F101	F101	F101
...	...	...	...
F101	F101	F101	F101
...	...	...	...
F101	F101	F101	F101
...	...	...	...
F101	F101	F101	F101
...	...	...	...
F101	F101	F101	F101
...	...	...	...
[ <sup>F97</sup> Section 27 ...]	[ <sup>F97</sup> Fishing for fish[ <sup>F102</sup> by licensable means of fishing ] otherwise than under the authority of a licence and possessing an unlicensed[ <sup>F103</sup> licensable ] instrument with intent to use it for fishing.]	[ <sup>F97</sup> (a) If the [ <sup>F104</sup> offence is one alleged to be committed by use or possession of rod and line (only) ], summarily.]	[ <sup>F97</sup> Level 4 on the standard scale]
		[ <sup>F97</sup> (b) in any other case—]	
		[ <sup>F97</sup> (i)summarily]...	<sup>F98</sup> [ <sup>F97</sup> Three months or the statutory maximum or both; ]
		[ <sup>F97</sup> (ii) on indictment]...	[ <sup>F97</sup> Two years or a fine or both.]
[ <sup>F105</sup> Section 27B	Unauthorised fishing etc	(a) Summarily	A fine not exceeding £50,000.

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975. (See end of Document for details)*

(b) On A fine.]  
indictment

### Textual Amendments

- F95** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 3\(1\), Sch. 2 Pt. II](#) it is provided (S.) (1.4.1996) that Sch. 4 para. 1(2) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale
- F96** Sch. 4 para. 1(3)(a)(b) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(4\)](#); S.I. 2009/3345, art. 2, Sch. para. 15(h)
- F97** Entry substituted (E.W. and as mentioned in s. 43(4) of the substituting Act (border rivers)) by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), [ss. 35\(1\)\(2\)](#), 43(4)
- F98** By [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 3\(1\), Sch. 2 Pt. II](#) it is provided (S.) (1.4.1996) that Sch. 4 Pt. I Table shall have effect as if the maximum fine that may be imposed on summary conviction for the offences mentioned therein (offences created under sections 1, 19(2)(4)(6)(7), 21, 27 of this Act) were a fine not exceeding level 4 on the standard scale
- F99** Sch. 4 para. 1 table: the maximum fine which may be imposed on summary conviction shall be the prescribed sum by virtue of [Magistrates' Courts Act 1980 \(c. 43\), s. 32\(2\)](#)
- F100** Word in Sch. 4 para. 1 substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 220\(9\), 324\(3\)](#); S.I. 2009/3345, art. 2, Sch. para. 12
- F101** Sch. 4 para. 1(2) entries repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(2\), 22 Pt. 5\(B\)](#); S.I. 2009/3345, art. 2, Sch. paras. 15(h), 27(b)
- F102** Words in Sch. 4 para. 1(2) inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(3\)\(a\)\(i\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F103** Word in Sch. 4 para. 1(2) inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(3\)\(a\)\(ii\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F104** Words in Sch. 4 para. 1(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(3\)\(b\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F105** Words in Sch. 4 para. 1(2) inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 219\(3\), 324\(3\)](#); S.I. 2010/298, art. 2, Sch. para. 13

## PART II

### PROCEDURE

#### Modifications etc. (not altering text)

- C2** [Sch. 4 Pt. II](#): by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), [ss. 32\(6\)\(b\)](#), 43(4) it is provided that [Sch. 4 Pt. II](#) is amended (E.W. and as mentioned in the said s. 43(4) (border rivers))

- 2 Any offence against this Act committed on the sea-coast or at sea beyond the ordinary jurisdiction of a court of summary jurisdiction shall be deemed to have been committed in any place abutting on that sea-coast or adjoining that sea, and may be tried and punished accordingly.
- 3 Offences against this Act committed in Scotland shall be proceeded against and punished in Scotland.
- 4 A justice of the peace shall not be disqualified from hearing any case under this Act by reason only of being a subscriber to any society for the protection of fish, but a

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justice shall not be entitled to hear any case in respect of an offence committed on his own land or in relation to any fishery of which he is owner or occupier.

5 The court by which a person is convicted of an offence against this Act may order the forfeiture of—

- (a) any fish illegally taken by him or in his possession at the time of the offence;
- (b) any instrument, bait or other thing used in the commission of the offence;
- (c) in the case of an offence of unlawful possession of any substance or device in contravention of section 5 above, that substance or device; and
- (d) on conviction on indictment, any vessel or vehicle used in or in connection with the commission of the offence or in which any substance or device unlawfully in his possession was contained at the time of the offence;

and may order any object so forfeited to be disposed of as the court thinks fit.

6 <sup>[F106]</sup>Schedule 3 to the Customs and Excise Management Act 1979] (provisions relating to the forfeiture of things seized under that Act) shall apply in relation to any vessel or vehicle liable to forfeiture under paragraph 5 above as it applies in relation to anything liable to forfeiture under that Act, but in its application in relation to any such vessel or vehicle shall have effect subject to the following modifications:—

- <sup>[F107]</sup>(a) paragraphs 1(2) and 5 shall be omitted;]
- (b) for references to <sup>[F108]</sup>the appropriate agency; and]
- (c) the court shall not condemn a vehicle or vessel as forfeited under paragraph 6 of that Schedule if satisfied by its owner that that offence was committed without his knowledge and that he could not have reasonably foreseen that it would be used as mentioned in paragraph 5(d) above;

and where notice of claim in respect of anything is duly given in accordance with paragraphs 3 and 4 of that Schedule, as applied by this paragraph, the court shall not exercise its power of ordering forfeiture of the vessel or vehicle under paragraph 5 above.

In this paragraph “owner”, in relation to a vessel or vehicle which is the subject of a hire-purchase agreement, means the person in possession of the vehicle under that agreement.

#### Textual Amendments

**F106** Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12**

**F107** Sch. 4 para. 6(a) substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12**

**F108** Words in Sch. 4 para. 6(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 152(2)** (with Sch. 7)

7 An authorised officer may seize any <sup>[F109]</sup>fish ] bought, sold or exposed for sale by, or in the possession for sale of, any person in contravention of this Act.

#### Textual Amendments

**F109** Word in Sch. 4 para. 7 substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 17(5)**; S.I. 2009/3345, art. 2, Sch. para. 15(h)

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975. (See end of Document for details)*

- 8 Where any fish or any other thing of a perishable nature is seized as liable to forfeiture under paragraph 5 above, the person by whom it is seized may sell it, and the net proceeds of sale shall be liable to forfeiture in the same manner as the fish or other thing sold, and if and so far as not forfeited shall be paid on demand to the owner; but no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred on him by this paragraph.
- 9 If a person is convicted of an offence against this Act <sup>F110</sup>and is subsequently convicted of any such offence], the court may order that any fishing or general licence<sup>F111</sup> or authorisation under section 27A above ] held by him shall be forfeited, and that he shall be disqualified from holding and obtaining a fishing or general licence<sup>F112</sup> or authorisation under section 27A above ]<sup>F113</sup>or for fishing in a water authority area]<sup>F113</sup>for having his name entered on a licence in pursuance of paragraph 9 to 14 of Schedule 2 to this Act or for fishing (either in a particular area or generally)] by virtue of a fishing or general licence<sup>F112</sup> or authorisation under section 27A above ] for such period not exceeding <sup>F114</sup>one year]<sup>F114</sup>five years] as the court thinks fit.

#### Textual Amendments

- F110** Words repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 141, 190, Sch. 17 para. 7(1)(15)(a), **Sch. 27 Pt. 1** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F111** Words in Sch. 4 para. 9 inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 17(6)(a)**; S.I. 2010/298, art. 2, Sch. para. 13
- F112** Words in Sch. 4 para. 9 inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 17(6)(b)**; S.I. 2010/298, art. 2, Sch. para. 13
- F113** Words beginning “for having his name” substituted for words beginning “or for fishing” (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 141, **Sch. 17 para. 7(1)(15)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F114** Words “five years” substituted for “one year” (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 141, **Sch. 17 para. 7(1)(15)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

- 10 A person who is prosecuted for an offence against this Act and who is the holder of a fishing or general licence<sup>F115</sup> or authorisation under section 27A above ] shall either—
- cause it to be delivered to the <sup>F116</sup>proper officer]of the court not later than the day before the date appointed for the hearing, or
  - post it, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the [proper officer] and either registered or sent by the recorded delivery service, or
  - have it with him at the hearing;
- and if he is convicted of the offence and the court makes an order under paragraph 9 above the court shall order the licence<sup>F117</sup> or authorisation under section 27A above ] to be surrendered to it; and if the offender has not posted the licence<sup>F117</sup> or authorisation under section 27A above ] or caused it to be delivered as aforesaid and does not surrender it as required then he shall be guilty of an offence and the licence<sup>F117</sup> or authorisation under section 27A above ] shall be revoked from the time when its surrender was ordered.

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*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975. (See end of Document for details)*

#### Textual Amendments

- F115** Words in Sch. 4 para. 10 inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 17(7)(a)**; S.I. 2010/298, art. 2, Sch. para. 13
- F116** Words in Sch. 4 para. 10(a)(b) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 86(2)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F117** Words in Sch. 4 para. 10 inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 17(7)(b)**; S.I. 2010/298, art. 2, Sch. para. 13

- 11 Where a court orders a fishing or general licence<sup>F118</sup> or authorisation under section 27A above ] to be surrendered to it under paragraph 10 above, or where by an order of a court under paragraph 9 above a person is disqualified from holding or obtaining a licence<sup>F119</sup> or authorisation ], the court shall—
- (a) send notice of the <sup>F120</sup>order to the appropriate agency, unless that agency prosecuted] in the case;
  - (b) if the licence<sup>F121</sup> or authorisation ] has been so surrendered, retain it and <sup>F122</sup>forward it to the appropriate agency, who] may dispose of it as they think fit.

#### Textual Amendments

- F118** Words in Sch. 4 para. 11 inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 17(8)(a)**; S.I. 2010/298, art. 2, Sch. para. 13
- F119** Words in Sch. 4 para. 11 inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 17(8)(b)**; S.I. 2010/298, art. 2, Sch. para. 13
- F120** Words in Sch. 4 para. 11(a) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 152(3)(a)** (with Sch. 7)
- F121** Words in Sch. 4 para. 11 inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 17(8)(c)**; S.I. 2010/298, art. 2, Sch. para. 13
- F122** Words in Sch. 4 para. 11(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 152(3)(b)** (with Sch. 7)

- 12 Where any person is convicted of an offence against this Act, the <sup>F123</sup>proper officer] of the court before whom he is convicted shall, within one month of the date of conviction, forward a certificate of the conviction to <sup>F124</sup>the appropriate agency].

#### Textual Amendments

- F123** Words in Sch. 4 para. 12 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 86(2)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F124** Words in Sch. 4 para. 12 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 152(4)** (with Sch. 7)

- 13 A certificate under paragraph 12 above shall be receivable in evidence in all legal proceedings.

- <sup>F125</sup>[14 In paragraphs 10 and 12 above “ proper officer ” means—
- (a) in relation to a magistrates’ court, the <sup>F126</sup>designated officer ] for the court; and
  - (b) in relation to the Crown Court, the appropriate officer.]

*Status: Point in time view as at 01/04/2013.*

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#### Textual Amendments

**F125** Sch. 4 para. 14 inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 86(3)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

**F126** Words in Sch. 4 para. 14 substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 178**; S.I. 2005/910, art. 3(y)

## SCHEDULE 5

Section 43.

### REPEALS

#### Modifications etc. (not altering text)

**C3** The text of s. 42(1)(2), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Chapter	Short title	Extent of repeal
13 & 14 Geo. 5. c. 16.	The Salmon and Freshwater Fisheries Act 1923.	The whole Act.
19 & 20 Geo. 5. c. 39.	The Salmon and Freshwater Fisheries (Amendment) Act 1929.	The whole Act.
25 & 26 Geo. 5. c. 43.	The Salmon and Freshwater Fisheries Act 1935.	The whole Act.
1963 C. 38.	The Water Resources Act 1963.	In section 71(6), the words “the Salmon and Freshwater Fisheries Act 1923 or by”.  In section 126(1), the words “the Salmon and Freshwater Fisheries Acts 1923 to 1972, and”.
1965 c. 56.	The Compulsory Purchase Act 1965.	In Schedule 6, the entry relating to the Salmon and Freshwater Fisheries Act 1923.
1965 c. 68.	The Salmon and Freshwater Fisheries Act 1965.	The whole Act.
1972 c. 37.	The Salmon and Freshwater Fisheries Act 1972.	The whole Act.
1973 c. 37.	The Water Act 1973.	Section 18.  Section 40(4)(c).

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		In Schedule 8, paragraphs 1 to 19 and paragraphs 95 to 97.
1974 c. 40.	The Control of Pollution 1974.	In Schedule 3, paragraph 5.

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**Status:**

Point in time view as at 01/04/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975.