



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART IV

FISHING LICENCES

26 Limitation of fishing licences.

- (1) A water authority may [^{F1}in relation to any such area or areas as are specified in the order,] by order confirmed by the Minister—
 - (a) limit for a period not exceeding ten years from the coming into operation of the order the number of fishing licences to be issued in any year for fishing in [^{F2}any part of their area][^{F2}that area or those areas] for salmon or trout other than rainbow trout with any instrument so specified other than rod and line; and
 - (b) provide for the selection of the applicants to whom such licences are to be issued where the number of applications exceeds the number of licences which may be granted.
- (2) Where the Minister proposes to confirm an order under this section, he shall require the water authority to publish the order and notice of his intention to confirm it in such manner as he may require, together with a notification that within a period specified in the requirement written objections to the order may be made to him.
- (3) The Minister shall consider any such objections received by him within the said period, and—
 - (a) if the number of licences as proposed to be limited by the order is less than the number of licences issued in any of the three years preceding the year in which the order is to come into operation; and
 - (b) any such objection is made by any person who has during each of the two years preceding that year held a licence of the same description as the licences which it is proposed so to limit in number;he shall cause a local inquiry to be held before confirming the order.

Status: Point in time view as at 01/12/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 26. (See end of Document for details)

- (4) Subject to subsection (5) below, the Minister shall not confirm an order under this section unless he is satisfied that the terms of the order relating to the selection of applicants for licences are such as to secure that any person who during the year preceding that year held a fishing licence to use an instrument of any description and who is dependent on fishing for his livelihood will be able to obtain a fishing licence to use an instrument of that description.
- (5) If it appears to the Minister that the operation of subsection (4) above would be detrimental to the conservation of any fishery, he may direct that the subsection shall in its application to that fishery have effect with the substitution for the words “the year” of the words “the two years” or, if in his opinion special circumstances justify it, “the three years”.
- (6) The Minister may with the consent of the water authority vary an order submitted to him under this section before confirming it and may require the water authority to publish the terms of the proposed variation in such manner, if any, as he may specify in the requirement.
- (7) An order under this section may be revoked by the Minister, or by an order made by the water authority and confirmed by the Minister.
- [^{F3}(8) Any order limiting the number of licences in force in a water authority area under section 62 of the ^{M1}Salmon and Freshwater Fisheries Act 1923 immediately before 29th June 1972 shall be treated as having limited the number of licences in that area for a period of ten years from that date.]

Textual Amendments

- F1** Words inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 141, [Sch. 17 para. 7\(1\)\(6\)\(a\)](#) (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)
- F2** Words “that area or those areas” substituted for “any part of their area” (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 141, [Sch. 17 para. 7\(1\)\(6\)\(b\)](#) (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)
- F3** S. 26(8) 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)

Marginal Citations

- M1** 1923 c. 16.

Status:

Point in time view as at 01/12/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 26.