



# Salmon and Freshwater Fisheries Act 1975

## 1975 CHAPTER 51

### PART V

#### ADMINISTRATION AND ENFORCEMENT

##### *Powers of water bailiffs etc.*

#### **35 Power to require production of fishing licences.**

(1) [<sup>F1</sup>A water bailiff or other officer of the agency, or any constable], may require any person who is fishing, or whom he reasonably suspects of [<sup>F2</sup>intending to ] fish or [<sup>F3</sup>of having recently ] fished [<sup>F4</sup>in a water authority area][<sup>F4</sup>in any area],[<sup>F5</sup>in circumstances where the fishing would require a licence or authorisation under this Act or a licence under section 16 of the Wildlife and Countryside Act 1981, ] to produce his licence or other authority to fish and to state his name and address.

[<sup>F6</sup>(1A) Without prejudice to subsection (1) above, a water bailiff or other officer of the [<sup>F7</sup>appropriate agency] who on any occasion finds a person who he has reason to believe is committing, or has on that occasion committed, a fixed penalty offence, within the meaning of section 37A below, may require that person to state his name and address.]

<sup>F8</sup>(2) .....

(3) If any person required to produce his fishing licence or other authority or to state his name and address fails to do so, he shall be guilty of an offence; but if within seven days after the production of his licence was so required he produces the licence or other authority at [<sup>F9</sup>the office of the water authority][<sup>F9</sup>the appropriate office of [<sup>F10</sup>the [<sup>F7</sup>appropriate agency]]] he shall not be convicted of an offence under this section for failing to produce it.

[<sup>F11</sup>(4) In subsection (3) above, “ the appropriate office of the [<sup>F7</sup>appropriate agency] ” means

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*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 35. (See end of Document for details)*

- (a) in a case where the person requiring the production of the licence or other authority specifies a particular office of the [F7 appropriate agency] for its production, that office; and
- (b) in any other case, any office of the [F7 appropriate agency];

and for the purposes of that subsection where a licence or other authority which any person has been required to produce is sent by post to an office of the [F7 appropriate agency] that licence or other authority shall be treated as produced by that person at that office.]

#### Textual Amendments

- F1** Words in s. 35(1) substituted (1.4.1996) by 1995 c. 25, s. 104(2) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3
- F2** Words in s. 35(1) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(7)(a), 324(3); S.I. 2009/3345, art. 2, Sch. para. 12
- F3** Words in s. 35(1) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(7)(b), 324(3); S.I. 2009/3345, art. 2, Sch. para. 12
- F4** Words “in any area” substituted for “in a water authority area” (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 141, Sch. 17 para. 7(1)(9)(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)
- F5** Words in s. 35(1) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(7)(c), 324(3); S.I. 2009/3345, art. 2, Sch. para. 12
- F6** S. 35(1A) inserted (1.4.1996) by 1995 c. 25, s. 104(3) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3
- F7** Words in s. 35 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), Sch. 2 para. 146 (with Sch. 7)
- F8** S. 35(2) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(8), 324(3), Sch. 22 Pt. 5(B); S.I. 2009/3345, art. 2, Sch. paras. 12, 27(b)
- F9** Words “the appropriate office of the National Rivers Authority” substituted for “the office of the water authority” (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 141, Sch. 17 para. 7(1)(9)(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)
- F10** Words in s. 35(3) substituted (1.4.1996) by 1995 c. 25, s. 105, Sch. 15 para. 18(1) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3
- F11** S. 35(4) substituted (1.4.1996) by 1995 c. 25, s. 105, Sch. 15 para. 18(2) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

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

- C1** S. 35 excluded (30.6.1999) by S.I. 1999/1746, arts. 1(1), 8(9) (with art. 2); S.I. 1998/3178, art. 3

**Changes to legislation:**

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 35.