



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

41 Interpretation

(1) In this Act, unless the context otherwise requires—

" authorised officer " means—

- (a) any officer of a water authority acting within the water authority area;
- (b) any officer of a market authority acting within the area of the jurisdiction of that authority ;
- (c) any officer appointed by the Minister;
- (d) any officer appointed in writing by the Fishmongers Company, or
- (e) any police officer;

" byelaw " means a byelaw under this Act;

" dam " includes any weir or other fixed obstruction used for the purpose of damming up water;

" eels " includes elvers and the fry of eels ;

" fishing licence " has the meaning assigned to it by section 25(2) above;

" fishing mill dam " means a dam used or intended to be used partly for the purpose of taking or facilitating the taking of fish, and partly for the purpose of supplying water for milling or other purposes ;

" fishing weir " means any erection, structure or obstruction fixed to the soil either temporarily or permanently, across or partly across a river or branch of a river, and used for the exclusive purpose of taking or facilitating the taking of fish ;

" Fishmongers Company " means the wardens and commonalty of the Mystery of Fishmongers in the City of London;

" fixed engine " includes—

- (a) a stake net, bag net, putt or putcher ;

Status: This is the original version (as it was originally enacted).

(b) any fixed implement or engine for taking or facilitating the taking of fish ;

(c) any net secured by anchors and any net or other implement for taking fish fixed to the soil, or made stationary in any other way ; and

(d) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for taking salmon or trout, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary;

" foreshore " includes the shore and bed of the sea and of every channel, creek, bay, estuary and navigable river as far up it as the tide flows ;

" freshwater fish " means any fish living in fresh water exclusive of salmon and trout and of any kinds of fish which migrate to and from tidal waters and of eels ;

" general licence " means a licence granted under section 25(7) above;

" grating " means a device approved by the Minister for preventing the passage of salmon or trout through a conduit or channel in which it is placed ;

" immature " in relation to salmon means that the salmon is of a length of less than 12 inches, measured from the tip of the snout to the fork or cleft of the tail, and in relation to any other fish means that the fish is of a length less than such length (if any) as may be prescribed by the byelaws applicable to the water in which the fish is taken;

" inland water " has the same meaning as in the Water Resources Act 1963 ;

" market authority " includes any corporation, local authority, body of trustees or other persons having power to maintain or regulate any market;

" migratory trout " means trout which migrate to and from the sea;

" mill " includes any erection for the purpose of developing water power, and " milling " has a corresponding meaning;

" the Minister " means, subject to subsection (2) below, the Minister of Agriculture, Fisheries and Food;

" occupier " in relation to a fishery or premises includes any person for the time being in actual possession of the fishery or premises;

" owner " includes any person who is entitled to receive rents from a fishery or premises ;

" river " includes a stream ;

" rod and line " means single rod and line ;

" salmon " means all fish of the salmon species and includes part of a salmon ;

" trout " means any fish of the salmon family commonly known as trout, including migratory trout and char, and also includes part of a trout;

" unclean " in relation to any fish means that the fish is about to spawn, or has recently spawned and has not recovered from spawning.

(2) In the following provisions of this Act, namely—

Part IV;

section 28(3);

paragraph 2 of Schedule 1 ;

paragraphs 5 to 11 and Part II of Schedule 3 ; and

Schedule 2,

any reference to the Minister shall be construed, in relation to water authority areas wholly or partly in Wales, as a reference to the Minister and the Secretary of State jointly.

- (3) Except so far as provision is made by paragraph 13 of Schedule 3 below, nothing in this Act shall be construed as authorising a water authority or any other person to take or use land or other property belonging to the Crown.
- (4) In any byelaw made under an enactment repealed by the Salmon and Freshwater Fisheries Act 1923 "salmon" and "trout" have the meanings assigned to them by subsection (1) above.