



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 7

FISHERIES

CHAPTER 3

MIGRATORY AND FRESHWATER FISH

Taking fish etc

217 Licences to fish

- (1) In section 25 of the Salmon and Freshwater Fisheries Act 1975 (licences to fish), for subsection (1) substitute—

“(1) The Agency shall by means of a system of licensing regulate fishing by licensable means of fishing for—

- (a) salmon, trout, eels, lampreys, smelt and freshwater fish; and
- (b) fish of such other description as may be specified for the purposes of this section by order under section 40A below.

(1A) In this Act “licensable means of fishing” means any of the following—

- (a) rod and line;
- (b) an historic installation;
- (c) such other means of fishing as the appropriate national authority may by order specify.

(1B) In this Act “historic installation” means any of the following—

- (a) a fixed engine certified in pursuance of the Salmon Fishery Act 1865 to be a privileged fixed engine;

Status: Point in time view as at 10/08/2016.

Changes to legislation: Marine and Coastal Access Act 2009, Section 217 is up to date with all changes known to be in force on or before 13 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) a fixed engine which was in use for taking salmon or migratory trout during the open season of 1861, in pursuance of an ancient right or mode of fishing as lawfully exercised during that open season, by virtue of any grant or charter or immemorial usage;
 - (c) a fishing weir or fishing mill dam which was lawfully in use on 6th August 1861 by virtue of a grant or charter or immemorial usage.”
- (2) In that section, in subsection (2), after “area or areas” insert “ (or in waters of such description or descriptions) ”.
- (3) In that section, in subsection (4), the words from “gaff” to “tailer or” are omitted.
- (4) In that section, subsections (5) and (6) are omitted.
- (5) In that section, at the end insert—
- “(10) For the purposes of this Part, the Agency may permit a person to take fish of any description in circumstances where he would for those purposes otherwise require a fishing licence.
- (11) Permission under subsection (10) above—
- (a) must be in writing;
 - (b) may be given generally or specifically;
 - (c) may be given subject to conditions.”
- (6) In Schedule 2 to that Act (licences)—
- (a) in paragraph 11, the words from “together” to the end are omitted;
 - (b) paragraph 12 is omitted.
- (7) In that Schedule, after paragraph 14 insert—

“Historic installations

- 14A (1) Where a fishing licence is granted in respect of an historic installation, the Agency may at any time, subject to this paragraph, impose conditions on its use pursuant to the licence.
- (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 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.”

Commencement Information

- I1** S. 217 partly in force; s. 217 in force for specified purposes at Royal Assent see s. 324(1)(c)
- I2** S. 217(1) in force at 12.1.2010 for specified purposes by [S.I. 2009/3345, art. 2, Sch. para. 11](#)
- I3** S. 217(1) in force at 1.1.2011 in so far as not already in force by [S.I. 2010/298, art. 2, Sch. para. 13](#)
- I4** S. 217(2)(5)-(7) in force at 1.1.2011 in so far as not already in force by [S.I. 2010/298, art. 2, Sch. para. 13](#)

Status: Point in time view as at 10/08/2016.

Changes to legislation: Marine and Coastal Access Act 2009, Section 217 is up to date with all changes known to be in force on or before 13 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 15** S. 217(3)(4) in force at 12.1.2010 in so far as not already in force by [S.I. 2009/3345](#), art. 2, **Sch. para. 11**

Status:

Point in time view as at 10/08/2016.

Changes to legislation:

Marine and Coastal Access Act 2009, Section 217 is up to date with all changes known to be in force on or before 13 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.