

## SCHEDULES

### 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>F1</sup>the appropriate agency].
- (2) <sup>F2</sup>The appropriate agency] may <sup>F3</sup> in such cases as it considers appropriate ] grant an exemption from the duty.

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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>F4</sup>different descriptions of licence ] and different classes of licence holder.

#### Textual Amendments

- F4** 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>F5</sup>The appropriate agency] shall at least one month before fixing or altering a duty for the use of <sup>F6</sup>any licensable means of fishing ] in any part of <sup>F7</sup>its] area, except a duty payable in respect of a temporary licence, publish in one or more newspapers circulating in that part of <sup>F7</sup>its] area notice of <sup>F7</sup>its] intention to do so <sup>F8</sup>and such a notice shall set out the amount of any duty as proposed to be fixed or altered.]

#### Textual Amendments

- F5** 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)
- F6** 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
- F7** 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)

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, SCHEDULE 2. (See end of Document for details)*

- F8** 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>F9</sup> the appropriate national authority ] by any interested [<sup>F10</sup> person, the appropriate agency shall] not fix or alter the duty without the approval of [<sup>F11</sup> that authority ].

#### Textual Amendments

- F9** 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)
- F10** 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)
- F11** 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>F12</sup> The appropriate national authority ], with or without a local inquiry, may refuse to approve any duty [<sup>F13</sup> submitted by the appropriate agency for][<sup>F14</sup> that authority's] approval under paragraph 4 above or may approve the duty with or without modifications; [<sup>F15</sup> and the appropriate agency, if so directed] by [<sup>F16</sup> that authority ], shall cause notice of any proposed modification to be given in accordance with the direction.

#### Textual Amendments

- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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)

- [<sup>X16</sup> 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>F176</sup> 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.]

**Changes to legislation:** There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, SCHEDULE 2. (See end of Document for details)

### Textual Amendments

- F17** 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 [F18The appropriate agency] may grant a temporary licence, that is to say, a licence authorising the use of [F19 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 [F20 that means ] under the foregoing provisions of this Schedule.

### Textual Amendments

- F18** 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)
- F19** 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
- 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)(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 [F21agreed by the appropriate agency and] the licensee.

### Textual Amendments

- F21** 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*

- [X29 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 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.]

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, SCHEDULE 2. (See end of Document for details)*

### 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>F229</sup> (1) A person who uses [<sup>F23</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>F24</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>F25</sup> that means of fishing ] unless, at the time that person uses [<sup>F26</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>F27</sup> that means of fishing ] in that area; and
  - (c) he is accompanied by the licensee or has the [<sup>F28</sup> consent of the appropriate agency to] his use of [<sup>F29</sup> that means of fishing ] in the absence of the licensee.
- (2) A person who uses [<sup>F30</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>F31</sup> that means of fishing ] unless, at the time that person uses [<sup>F32</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>F33</sup> consent of the appropriate agency to] his use of [<sup>F34</sup> that means of fishing ] otherwise than where there is compliance with paragraph (a) or (b) above.
- (3) [<sup>F35</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>F36</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>F37</sup> appears to the appropriate agency to be] required by the special circumstances of the case.]

### Textual Amendments

- F22** 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)
- F23** 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](#)

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, SCHEDULE 2. (See end of Document for details)*

- 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)(ii)**; 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)(iii)**; 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)(iv)**; S.I. 2010/298, art. 2, **Sch. para. 13**
- F27** 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**
- F28** 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)
- F29** 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**
- F30** 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**
- 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)(ii)**; 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)(iii)**; S.I. 2010/298, art. 2, **Sch. para. 13**
- F33** 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)
- F34** 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**
- F35** 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)
- F36** 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)
- F37** 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>F38</sup> or removed from ] a licence by an [<sup>F39</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>F40</sup>the appropriate agency].

#### Textual Amendments

- F38** 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)**
- F39** 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)
- 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)(b)** (with Sch. 7)

- 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>F41</sup>the appropriate agency], <sup>F42</sup>....

#### Textual Amendments

- F41** 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)

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, SCHEDULE 2. (See end of Document for details)*

**F42** 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>F43</sup>12 .....

#### Textual Amendments

**F43** 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>F44</sup>opinion of the appropriate agency are required] to work at one time [<sup>F45</sup>the means of fishing ] to which the licence relates or, where the applicant for the licence [<sup>F46</sup>notifies the appropriate agency at the time] of the application that he proposes to take part in working [<sup>F45</sup>the means of fishing ], one less than twice that number.

#### Textual Amendments

**F44** 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)

**F45** 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

**F46** 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>F47</sup>Historic installations*

#### Textual Amendments

**F47** 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>F48</sup>appropriate 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 [<sup>F49</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.]

**Changes to legislation:** There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, SCHEDULE 2. (See end of Document for details)

#### Textual Amendments

- F48** 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)
- F49** 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>F50</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>F51</sup>the means of fishing ] to which the licence relates.

#### Textual Amendments

- F50** 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)
- F51** 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>F52</sup>other thing ] for or in connection with fishing the erection or use of which would otherwise be illegal.

#### Textual Amendments

- F52** 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>F53</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.

#### Textual Amendments

- F53** 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)

**Changes to legislation:**

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, SCHEDULE 2.