

*Status: Point in time view as at 01/02/1991.*

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

## SCHEDULES

### SCHEDULE 3

#### ADMINISTRATION

#### PART II

#### BYELAWS

##### *General*

- 14 Subject to Schedule 1 above, the power to make byelaws shall be exercisable by water authorities.
- 15 Byelaws may be made for any of the purposes mentioned in paragraphs 19 to 36 below.
- 16 A byelaw may be made to apply to <sup>F1</sup> . . . any part or parts of a water authority area or to the whole or any part or parts of the year.

#### Textual Amendments

- F1** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, **Sch. 27 Pt.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)

- 17 If at any time before the end of 12 months after the confirmation of a byelaw made for the purpose specified in paragraph 21 or 25 below the owner or occupier of any fishery <sup>F2</sup> . . ., by notice in writing to the water authority, claims that the fishery is injuriously affected by the byelaw, the claim and the amount of compensation to be paid, by way of annual payment or otherwise, for the damage (if any) to the fishery shall be determined, in default of agreement, by a single arbitrator appointed by the Minister.

#### Textual Amendments

- F2** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, **Sch. 27 Pt.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)

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- 18 When the compensation is payable under any award by way of an annual payment, the water authority or the person entitled to the annual payment may at any time after the end of 5 years from the date of the award require it to be reviewed by a single arbitrator appointed by the Minister, and the compensation to be thenceforth paid shall be such, if any, as may be determined by that arbitrator.

*Purposes for which Byelaws may be made*

- 19 Fixing or altering, subject to paragraph 3 of Schedule 1 above, any such close season or close time as is mentioned in that paragraph.
- 20 Dispensing with a close season for freshwater fish or rainbow trout.
- 21 Specifying the nets and other instruments (not being fixed engines) which may be used for taking salmon, trout, freshwater fish and eels and imposing requirements as to their construction, use, design, material and dimensions, including in the case of nets the size of mesh.
- [<sup>F3</sup>21A Authorising the placing and use of fixed engines at such places <sup>F4</sup> . . . (not [<sup>F5</sup>without the consent of the local fisheries committee in question] being places within the sea fisheries district of a local fisheries committee), at such times and in such manner as may be prescribed by the byelaws and imposing requirements as to the construction, design, material and dimensions of such engines, including in the case of nets the size of mesh.]

**Textual Amendments**

- F3** Sch. 3 para. 21A inserted (E.W. and as mentioned in the said s. 43(4) (border rivers)) by [Salmon Act 1986](#) (c. 62, SIF 52:2), **ss. 33(3)**, 43(4)
- F4** Words repealed 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)
- F5** Words inserted by [Water Act 1989](#) (c. 15, SIF 130), ss. 141, 190, Sch. 17 para. 7(14)(c), **Sch. 26 para. 40(3)** (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)

- 22 Requiring and regulating the attachment to licensed nets and instruments of marks, labels or numbers, or the painting of marks or numbers or the affixing of labels or numbers to boats, coracles or other vessels used in fishing.
- 23 Prohibiting the carrying in any boat or vessel whilst being used in fishing for salmon or trout of any net which is not licensed, or which is without the mark, label or number prescribed by the byelaws.

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- 24 Prohibiting or regulating the carrying in a boat or vessel during the annual close season for salmon of a net capable of taking salmon other than a net commonly used in the area to which the byelaw applies for sea fishing if carried in a boat or vessel commonly used for that purpose.
- 25 Prohibiting the use for taking salmon, trout, or freshwater fish of any instrument (not being a fixed engine) in such waters within the water authority area and at such times as may be prescribed by the byelaws.
- 26 Prohibiting the taking or removal from any water without lawful authority of any fish, whether alive or dead.
- 27 Determining for the purposes of this Act the period of the year during which gratings need not be maintained.
- 28 Prohibiting or regulating the taking of trout or any freshwater fish of a size less than such as may be prescribed by the byelaw.
- 29 Prohibiting or regulating the taking of fish by any means within such distance as is specified in the byelaw above or below any dam or any other obstruction, whether artificial or natural.
- 30 Prohibiting or regulating fishing with rod and line between the end of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning.
- 31 Regulating the deposit or discharge in any waters containing fish of any liquid or solid matter specified in the byelaw which is detrimental to salmon, trout or freshwater fish, or the spawn or food of fish, but not so as to prejudice any powers of a local authority to discharge sewage in pursuance of any power given by a public general Act, a local Act or a provisional order confirmed by Parliament.
- [<sup>F6</sup>32 Requiring persons to send to the National Rivers Authority returns, in such form, giving such particulars and at such times as may be specified in the byelaws, of the period or periods during which they have fished for salmon, trout, freshwater fish or eels, of whether they have taken any and, if they have, of what they have taken.]

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#### Textual Amendments

- F6** Sch. 3 para. 32 substituted for para. 32 by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 141, 190, [Sch. 17 para. 7\(1\)\(14\)\(d\)](#), [Sch. 26 para. 40\(3\)](#) (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)

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- 33 Regulating the use in connection with fishing with rod and line of any lure or bait specified in the byelaw.
- 34 Determining the time during which it shall be lawful to use a gaff in connection with fishing with rod and line for salmon or migratory trout.
- 35 Authorising fishing with rod and line for eels during the annual close season for freshwater fish.
- 36 The better execution of this Act and the better protection, preservation and improvement of any salmon fisheries, trout fisheries, freshwater fisheries and eel fisheries<sup>F7</sup> . . . .

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**Textual Amendments**

- F7** Words repealed 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)

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