

Status: Point in time view as at 01/02/1991.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, SCHEDULE 2. (See end of Document for details)

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 the water authority.
- (2) The water authority may in special cases grant an exemption from the duty.
- 2 Different duties may be fixed under paragraph 1 above for different instruments, different periods, different parts of the water authority area, different descriptions of fish and different classes of licence holder.
- 3 A water authority shall at least one month before fixing or altering a duty for the use of any instrument in any part of their area, except a duty payable in respect of a temporary licence, publish in one or more newspapers circulating in that part of their area notice of their intention to do so [^{F1}and such a notice shall set out the amount of any duty as proposed to be fixed or altered.]

Textual Amendments

- F1** 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 the Minister by any interested person, the water authority shall not fix or alter the duty without the approval of the Minister.
- 5 The Minister, with or without a local inquiry, may refuse to approve any duty submitted by a water authority for his approval under paragraph 4 above or may approve the duty with or without modifications; and the authority, if so directed by the Minister, shall cause notice of any proposed modification to be given in accordance with the direction.
- [^{X1}6 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)

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- [^{F2}6 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.]

Textual Amendments

- F2** 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 A water authority may grant a temporary licence, that is to say, a licence authorising the use of an instrument 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 that instrument under the foregoing provisions of this Schedule.

- 8 There shall be payable in respect of a general licence such sum as may be agreed by the water authority and the licensee.

Net etc. licences for salmon and trout fishing

- [^{X2}9 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.]

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)**

- [^{F3}9 (1) A person who uses an instrument of any description for fishing in an area in relation to which an order under section 26 above limiting the number of licences for fishing with instruments of that description 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 an instrument of that description unless, at the time that person uses the instrument—
- (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 an instrument of that description in that area; and

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- (c) he is accompanied by the licensee or has the consent of the water authority to his use of the instrument in the absence of the licensee.
- (2) A person who uses an instrument of any description 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 an instrument of that description unless, at the time that person uses the instrument—
- (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 consent of the water authority to his use of the instrument otherwise than where there is compliance with paragraph (a) or (b) above.
- (3) The consent of a water authority 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 appears to the water authority 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 appears to the water authority to be required by the special circumstances of the case.]

Textual Amendments

- F3** 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\(4\)](#)

- 10 The name and address of a servant or agent may be entered on a licence by an employee of a water authority 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 the water authority.
- 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 the water authority, together with a fee of 20p for every name and address entered.
- 12 The name and address of a servant or agent may be removed from, or inserted in, a licence on payment of a fee of 20p for each removal or insertion or, where a name and address are inserted in substitution for a name and address removed, for each substitution.
- 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 opinion of the water authority are required to work at one time the instrument to which the licence relates or, where the applicant for the licence notifies the authority at the time of the application that he proposes to take part in working the instrument, one less than twice that number.

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- 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.

Miscellaneous

- 15 Subject to section 26 above, a fishing licence shall be granted by the water authority 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 the instrument to which the licence relates.
- 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 instrument for or in connection with fishing the erection or use of which would otherwise be illegal.
- 18 The production of a printed copy of a statement purporting to be issued by a water authority 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.

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