

## SCHEDULES

### SCHEDULE 2

#### LICENCES

##### *Net etc. licences for salmon and trout fishing*

- [<sup>F19</sup> (1) A person who uses [<sup>F2</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>F3</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>F4</sup> that means of fishing ] unless, at the time that person uses [<sup>F5</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>F6</sup> that means of fishing ] in that area; and
  - (c) he is accompanied by the licensee or has the [<sup>F7</sup>consent of the appropriate agency to] his use of [<sup>F8</sup> that means of fishing ] in the absence of the licensee.
- (2) A person who uses [<sup>F9</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>F10</sup> that means of fishing ] unless, at the time that person uses [<sup>F11</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>F12</sup>consent of the appropriate agency to] his use of [<sup>F13</sup> that means of fishing ] otherwise than where there is compliance with paragraph (a) or (b) above.
- (3) [<sup>F14</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>F15</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>F16</sup>appears to the appropriate agency to be] required by the special circumstances of the case.]

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*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Paragraph 9. (See end of Document for details)*

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### Textual Amendments

- F1** 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)
- F2** 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](#)
- F3** 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](#)
- F4** 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](#)
- F5** 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](#)
- F6** 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](#)
- F7** 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)
- F8** 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](#)
- F9** 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](#)
- F10** 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](#)
- F11** 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](#)
- F12** 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)
- F13** 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](#)
- F14** 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)
- F15** 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)
- F16** 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)

**Changes to legislation:**

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Paragraph 9.