

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Section 28.

#### ADMINISTRATION

#### PART I

#### ORDERS

##### *Scope*

- [<sup>F1</sup>1 An order may provide—
- (a) for the imposition, collection and recovery by a water authority of contributions assessed on several fisheries regulated by the order or on the owners and occupiers of such fisheries;
  - (b) for enabling the water authority with the approval of the Minister, but subject to paragraphs 2 and 3 below, to erect and work by themselves or their lessees any fixed engine for catching salmon or migratory trout within the area within which the order is to apply;
  - (c) for modifying in relation to the fisheries within the area any of the provisions of this Act which relate to the regulation of fisheries, or of any local Act relating to any fishery within the area.]

#### Textual Amendments

- F1** Sch. 3 paras. 1–5 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, [Sch. 27 Pt I](#).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)

- 2 An order shall not authorise a fixed engine to be worked for a period exceeding five years unless authorisation is from time to time extended by licence of the Minister for such terms as may be specified in the licence and not exceeding at any one time five years.
- 3 The Minister shall not grant a licence until he has inquired into the effect of the working of the engine on the salmon or trout fisheries within the area.
- 4 An order may contain any incidental, consequential or supplemental provisions, including provisions for payment of compensation to persons injuriously affected by the order, which may appear to be necessary or proper for the purposes of the order.

##### *Procedure*

- 5 An application for an order may be made by any of the following, namely—
- (a) a water authority;

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- [<sup>F2</sup>(b) a [<sup>F3</sup>county or metropolitan district council];]
- (c) persons who in the opinion of the Minister are the owners of one-fourth at least in value of the several fisheries proposed to be regulated or constitute a majority of the persons holding licences to fish in public waters within the area of the proposed order;
- (d) any association of persons which in the opinion of the Minister is sufficiently representative of fishing interests within that area.

**Textual Amendments**

- F2** Sch. 3 para 5(b) repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 41, Sch. 17 para. 7(1)(14)(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), 41(1), 57(6), 58)
- F3** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, **Sch. 8 para. 20**

6 The applicant for an order shall give such security for the Minister’s expenses as the Minister may require.

<sup>F47</sup> .....

**Textual Amendments**

- F4** Sch. 3 para. 7 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

<sup>F58</sup> .....

**Textual Amendments**

- F5** Sch. 3 para. 8 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

<sup>F69</sup> .....

**Textual Amendments**

- F6** Sch. 3 para. 9 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

<sup>F712</sup> .....

**Textual Amendments**

- F7** Sch. 3 para. 12 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)

<sup>F813</sup> .....

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**Textual Amendments**

**F8** Sch. 3 para. 13 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**PART II**

**BYELAWS**

*F9* . . .

**Textual Amendments**

**F9** Heading repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F10** 14 . . . . .

**Textual Amendments**

**F10** Sch. 3 para. 14 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F11** 15 . . . . .

**Textual Amendments**

**F11** Sch. 3 para. 15 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F12** 16 . . . . .

**Textual Amendments**

**F12** Sch. 3 para. 16 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F13** 17 . . . . .

**Textual Amendments**

**F13** Sch. 3 para. 17 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F14** 18 . . . . .

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**Textual Amendments**

**F14** Sch. 3 para. 18 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

*Purposes for which Byelaws may be made*

**F15**<sup>19</sup> .....

**Textual Amendments**

**F15** Sch. 3 para. 19 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F16**<sup>20</sup> .....

**Textual Amendments**

**F16** Sch. 3 para. 20 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F17**<sup>21</sup> .....

**Textual Amendments**

**F17** Sch. 3 para. 21 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**21A**<sup>F18</sup> .....

**Textual Amendments**

**F18** S. 21A repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F19**<sup>22</sup> .....

**Textual Amendments**

**F19** Sch. 3 para. 22 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**F20**<sup>23</sup> .....

**Textual Amendments**

**F20** Sch. 3 para. 23 repealed (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

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F21 24 .....

**Textual Amendments**

**F21** Sch. 3 para. 24 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F22 25 .....

**Textual Amendments**

**F22** Sch. 3 para. 25 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F23 26 .....

**Textual Amendments**

**F23** Sch. 3 para. 26 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F24 27 .....

**Textual Amendments**

**F24** Sch. 3 para. 27 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

28 F25 .....

**Textual Amendments**

**F25** Sch. 3 para. 28 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F26 29 .....

**Textual Amendments**

**F26** Sch. 3 para. 29 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F27 30 .....

**Textual Amendments**

**F27** Sch. 3 para. 30 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

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F28 31 .....

**Textual Amendments**  
F28 Sch. 3 para 31 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F29 32 .....

**Textual Amendments**  
F29 Sch. 3 para. 32 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F30 33 .....

**Textual Amendments**  
F30 Sch. 3 para. 33 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F31 34 .....

**Textual Amendments**  
F31 Sch. 3 para. 34 repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F32 35 .....

**Textual Amendments**  
F32 Sch. 3 para. 35 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

F33 36 .....

**Textual Amendments**  
F33 Sch. 3 para. 36 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

**PART III**

MISCELLANEOUS

F34 37 .....

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**Textual Amendments**

**F34** Sch. 3 para. 37 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

<sup>F35</sup>38 .....

**Textual Amendments**

**F35** Sch. 3 para. 38 repealed (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15(1))

- 39 (1) Without prejudice to [<sup>F36</sup>section 4 of the Water Resources Act 1991], a water authority—
- (a) may take legal proceedings in respect of any offence against this Act, or for the enforcement of the provision of this Act or for the protection of [<sup>F37</sup>any fisheries] from injury by pollution or otherwise;
  - <sup>F38</sup>(b) .....
  - (c) may obtain the services of additional constables under section 15 of the <sup>M1</sup>Police Act 1964.
- (2) Nothing in this paragraph shall authorise anything to be done which may injuriously affect any navigable river, canal, or inland navigation.

**Textual Amendments**

**F36** Words in Sch. 3 para. 39 substituted (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 30(6)**

**F37** Words substituted by [Water Act 1989](#) (c. 15, SIF 130), ss. 141, 190, **Sch. 17 para. 7(1)(14)(g)(ii)** (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)

**F38** Sch. 3 para. 39(1)(b) 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**)

**Modifications etc. (not altering text)**

**C1** Sch. 3 para. 39(1)(a): by [Salmon Act 1986](#) (c. 62, SIF 52:2), **ss. 32(6)(b)**, 43(4) it is provided that Sch. 3 para. 39(1)(a) is amended (E.W., and as mentioned in s. 43(4) (border rivers))

**Marginal Citations**

**M1** 1964 c. 48.

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