



Water Resources Act 1991

1991 CHAPTER 57

PART IX

MISCELLANEOUS AND SUPPLEMENTAL

Byelaws

210 Byelaw-making powers of the [F1 Agency].

- (1) Schedule 25 to this Act shall have effect for conferring powers on the [F1 Agency] to make byelaws for purposes connected with the carrying out of its functions.
- (2) Schedule 26 to this Act shall have effect in relation to byelaws made by the [F1 Agency], whether by virtue of subsection (1) above or by virtue of any other enactment.

[F2(3) Schedule 27 to this Act (emergency fisheries byelaws) shall have effect.]

Textual Amendments

- F1** Words in s. 210 substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F2** S. 210(3) inserted (12.1.2010) by **Marine and Coastal Access Act 2009 (c. 23)**, **ss. 225(1), 324(3)**; S.I. 2009/3345, **art. 2, Sch. para. 14**

211 Enforcement of byelaws.

- (1) If any person contravenes any byelaws made by virtue of paragraph 1 of Schedule 25 to this Act, he shall be guilty of an offence and liable, on summary conviction—
 - (a) to a fine not exceeding level 1 on the standard scale; and
 - (b) if the contravention is continued after conviction, to a fine not exceeding £5 for each day on which it is so continued.

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- (2) Byelaws made by virtue of paragraph 2 or 3 of that Schedule may contain provision providing for a contravention of the byelaws to constitute a summary offence punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale or such smaller sum as may be specified in the byelaws.
- (3) A person who contravenes any byelaws made by virtue of paragraph 4 or 6 of that Schedule shall be guilty of an offence and liable, on summary conviction,
- [^{F3}(a) in the case of byelaws made by virtue of paragraph 4, to a fine not exceeding level 4 on the standard scale or such smaller sum as may be specified in the byelaws;
- (b) in the case of byelaws made by virtue of paragraph 6, to a fine not exceeding £50,000.]
- (4) If any person acts in contravention of any byelaw made by virtue of paragraph 5 of that Schedule he shall be guilty of an offence and liable, on summary conviction—
- (a) to a fine not exceeding level 5 on the standard scale; and
- (b) if the contravention is continued after conviction, to a further fine not exceeding £40 for each day on which it is so continued.
- (5) Without prejudice to any proceedings by virtue of subsection (1) or (4) above, the [^{F4}Agency] may—
- (a) take such action as it considers necessary to remedy the effect of any contravention of byelaws made by virtue of paragraph 1 of Schedule 25 to this Act;
- (b) take such action as may be necessary to remedy the effect of any person's contravention of byelaws made by virtue of paragraph 5 of that Schedule; and
- (c) recover the expenses reasonably incurred by the [^{F4}Agency] in taking any action under paragraph (a) or (b) above from the person in default.
- (6) So much of the ^{M1}Salmon and Freshwater Fisheries Act 1975 as makes provision with respect to or by reference to offences under that Act shall have effect as if an offence consisting in a contravention of byelaws made by virtue of paragraph 6 of Schedule 25 to this Act were an offence under that Act.
- (7) Section 70 above shall apply in relation to any restrictions imposed by byelaws made by virtue of paragraph 1 of Schedule 25 to this Act as it applies in relation to restrictions imposed by the provisions of Chapter II of Part II of this Act which are mentioned in that section; and sections 100 and 101 above shall have effect in relation to contraventions of byelaws made by virtue of paragraph 4 of that Schedule as they have effect in relation to contraventions of provisions of Part III of this Act.

Textual Amendments

F3 S. 211(3)(a)(b) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 226**, [324\(3\)](#); [S.I. 2009/3345](#), **art. 2**, [Sch. para. 14](#)

F4 Words in s. 211 substituted (subject to other provisions of the amending Act) (1.4.1996) by [1995 c. 25](#), [s. 120\(1\)](#), **Sch. 22 para. 128** (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), **art. 3** (with [art. 4](#))

Modifications etc. (not altering text)

C1 S. 211 excluded (1.7.1999) by [S.I. 1999/1746](#), **art. 4(1)**; [S.I. 1998/3178](#), **art. 3**

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Marginal Citations

M1 1975 c. 51.

212 Compensation in respect of certain fisheries byelaws.

(1) Where—

- (a) the owner or occupier of any fishery by notice to the [^{F5}Agency] claims that the fishery is injuriously affected by a byelaw made for any of the purposes specified in subsection (2) below; and
- (b) that claim is made at any time before the end of twelve months after the confirmation of the byelaw,

[^{F6}the Agency may pay that person such amount by way of compensation as it considers appropriate.]

(2) The purposes mentioned in subsection (1)(a) above are the following purposes specified in paragraph 6(2) of Schedule 25 to this Act, that is to say—

- (a) prohibiting the use for taking [^{F7}any fish to which paragraph 6 of that Schedule applies] of any instrument [^{F8}... in such waters and at such times as are prescribed by the byelaw;
- (b) specifying the nets and other instruments [^{F9}... which may be used for taking [^{F10}any such fish] and imposing requirements as to the use of such nets and other instruments;
- (c) imposing requirements as to the construction, design, material and dimensions of any such nets or instruments, including in the case of nets the size of mesh.

^{F11}(3)

(4) Expressions used in this section and in the Salmon and Freshwater Fisheries Act 1975 have the same meanings in this section as in that Act.

Textual Amendments

- F5** Words in s. 212 substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F6** Words in s. 212(1) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 227(2), 324(3)**; S.I. 2009/3345, art. 2, Sch. para. 14
- F7** Words in s. 212(2)(a) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 23(2)(a)(i)**; S.I. 2009/3345, art. 2, Sch. para. 15(i)
- F8** Words in s. 212(2)(a) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 16 para. 23(2)(a)(ii), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 15(i), 27(b)
- F9** Words in s. 212(2)(b) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 16 para. 23(2)(b)(i), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 15(i), 27(b)
- F10** Words in s. 212(2)(b) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 23(2)(b)(ii)**; S.I. 2009/3345, art. 2, Sch. para. 15(i)
- F11** S. 212(3) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 227(3), 324(3), Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 14, 27(b)

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