



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART IX

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Byelaws*

#### **210 Byelaw-making powers of the Authority**

- (1) Schedule 25 to this Act shall have effect for conferring powers on the Authority 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 Authority, whether by virtue of subsection (1) above or by virtue of any other enactment.

#### **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.
- (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, to a fine not exceeding level 4 on the standard scale or, in the case of byelaws made by virtue of paragraph 4, such smaller sum as may be specified in the byelaws.

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*Status: This is the original version (as it was originally enacted).*

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- (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 Authority 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 Authority in taking any action under paragraph (a) or (b) above from the person in default.
- (6) So much of the 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.

## **212 Compensation in respect of certain fisheries byelaws**

- (1) Where—
- (a) the owner or occupier of any fishery by notice to the Authority 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,
- 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 one of the Ministers.
- (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 salmon, trout, or freshwater fish of any instrument (not being a fixed engine) in such waters and at such times as are prescribed by the byelaw;
  - (b) 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 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.

- (3) Where by virtue of this section any compensation is payable under any award by way of an annual payment—
- (a) the Authority or the person entitled to the annual payment may at any time after the end of five years from the date of the award require it to be reviewed by a single arbitrator appointed by one of the Ministers; and
  - (b) the compensation to be paid after the review shall be such, if any, as may be determined by that arbitrator.
- (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.