



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART IX

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Byelaws*

#### **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—

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*Status: This is the original version (as it was originally enacted).*

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- (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.