

**CHAPTER clxiv.**

An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1907 relating to certain waters in the counties of Norfolk and Suffolk. A.D. 1912.

[13th December 1912.]

**W**HEREAS the Board of Agriculture and Fisheries have made the Provisional Order set forth in the schedule hereto under the provisions of the Salmon and Freshwater Fisheries Act 1907: 7 Edw. 7.  
c. 15.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

**1.** The Order as amended and set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in  
schedule  
confirmed.

**2.** This Act may be cited as the Norfolk Fisheries Provisional Order Confirmation Act 1912. Short title.

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SCHEDULE.

NORFOLK FISHERIES PROVISIONAL ORDER 1912.

THE Board of Agriculture and Fisheries by virtue and in exercise of the powers vested in them under the Salmon and Freshwater Fisheries Act 1907 with a view to the improvement and development of the freshwater fisheries in the area defined by this Order do make the following Provisional Order for the regulation of such fisheries in that area:—

DEFINITION OF FISHERY DISTRICT AND CONSTITUTION OF  
BOARD OF CONSERVATORS.

Definition of  
area affected  
by Order.

1.—(1) This Order applies to the area described in the First Schedule hereto and more particularly delineated on a map sealed by the Board of Agriculture and Fisheries in relation to this Order and to all freshwater fisheries in such area except as herein-after provided.

(2) A copy of the said map certified under the Documentary Evidence Acts 1868 to 1895 shall be kept by the Board of Conservators hereby constituted at the office of the clerk of that Board and be open at all reasonable times to inspection free of charge by any person desiring inspection for any bonâ fide purpose.

(3) The area to which this Order applies as herein-before defined is in this Order referred to as "the Fishery District."

Constitution  
and incor-  
poration of  
Board of  
Conservators.

2.—(1) For the purposes of this Order a Board of Conservators shall be constituted in manner herein-after appearing as a body corporate under the name of "The Norfolk Fishery Board" having perpetual succession and a common seal with power to make contracts and to sue and be sued in that name and such Board is in this Order referred to as "the Fishery Board."

(2) The Fishery Board shall consist of the following members:—

(A) Four members appointed by the Norfolk County Council two members appointed by the Council of the Administrative County of East Suffolk and four members appointed by each of the Councils of the County Boroughs of Norwich and Great Yarmouth. Such members shall remain in office until resignation death or determination of their appointment by the council appointing them:

(B) Members representative of the interests of persons fishing with rod and line for freshwater fish to be appointed by the Board of Agriculture and Fisheries. Such members shall be appointed triennially and except in the case of an appointment to fill a vacancy caused by death or resignation shall come into office on the appointed day in each year. The number of members to be so appointed shall (subject as herein-after provided) be regulated by the average amount of licence duty paid for fishing with rod and line for freshwater fish in the year previous to the year of appointment and in the two preceding years which amount shall if so required be certified to the Board of Agriculture and Fisheries by the clerk of the Fishery Board. If the amount of licence duty so paid does not exceed fifty pounds three members may be so appointed and if it exceeds that sum one additional member may be appointed for every additional thirty pounds so paid. The number of such members to be first appointed shall be four.

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3. The Fishery Board may expend any moneys in their hands on any matter they may think conducive to the maintenance improvement or development of the freshwater fisheries within the Fishery District.

Powers of  
Fishery  
Board as to  
expenditure.

4. The accounts of the Fishery Board shall be balanced in each year to the thirty-first day of December and shall forthwith be audited by some person appointed by the Board of Agriculture and Fisheries whose remuneration shall be fixed by that Board and paid by the Fishery Board. A copy of the audited accounts with the report (if any) of the auditor thereon shall as soon as possible be sent to the Board of Agriculture and Fisheries by the Fishery Board.

Audit.

#### LICENCES FOR FISHING.

5.—(1) On and after the first day of March nineteen hundred and thirteen or such later date as the Board of Agriculture and Fisheries may by order direct licences shall be granted to all persons over fourteen years of age fishing with rod and line for freshwater fish within the Fishery District and any such person fishing within the Fishery District on or after the said date with rod and line for freshwater fish without a proper licence shall be liable to a penalty not less than double the amount to be paid for the requisite licence and not exceeding five pounds.

Licences  
required for  
rods and lines  
used for  
freshwater  
fish.

(2) A licence under this section shall be available only within the Fishery District and by the person to whom it is granted.

(3) The provisions of subsections (4) to (7) of section 34 of the Salmon Fishery Act 1865 which relate to licences to fish for salmon granted under that Act shall with the necessary adaptations apply to licences to fish for freshwater fish granted under this section.

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(4) The provisions as to variation of licence duties contained in the Salmon and Freshwater Fisheries Acts 1861 to 1892 shall extend to licence duties under this section and subject to any variation the licence duty under this section for fishing with rod and line shall be in the case of a licence available only for one day threepence and in the case of a licence available only for seven consecutive days sixpence and in the case of a licence available for more than seven days one shilling.

Power to require licences for other instruments used for freshwater fish.

6.—(1) The Fishery Board shall have power to issue licences to all persons fishing for freshwater fish (otherwise than with rod and line) within the Fishery District and in the event of the power being exercised the provisions of sections 33 to 37 of the Salmon Fishery Act 1865 and sections 21 22 and 25 of the Salmon Fishery Act 1873 (relative to licences under those Acts) shall apply in relation to licences under this provision with the substitution therein of the words "freshwater fish" for the word "salmon" and of "waters in the Fishery District" for "river or part of a river" and subject to the terms of this Order.

(2) The power conferred by this section may be exercised in respect of all freshwater fish or of specified kinds of freshwater fish and in the latter case the specified kinds of fish shall be stated in any scale of licence duties fixed under this section and this section shall apply only to those kinds of fish.

Provisions affecting licences for fishing for freshwater fish.

7.—(1) Every scale of licence duties for fishing for freshwater fish or variation of such scale shall except as herein otherwise expressly provided take effect on the first day of January after the date of its approval by the Board of Agriculture and Fisheries.

(2) The Fishery Board shall not enforce any scale of licence duties for fishing for freshwater fish (otherwise than with rod and line) unless they have previously given notice of their intention in this behalf by advertisement in one or more local newspapers not less than once in each week for four consecutive weeks before the commencement of the year in which the scale is to take effect and the production of a copy of a newspaper containing any such advertisement as aforesaid shall be conclusive evidence of due notice having been given in accordance with this provision and such advertisement shall be in substitution for the advertisement required by section 25 of the Salmon Fishery Act 1873.

MODIFICATIONS IN RELATION TO FISHERIES IN THE FISHERY DISTRICT  
OF CERTAIN PROVISIONS OF THE SALMON AND FRESHWATER  
FISHERIES ACTS.

Modification of Salmon Fishery Act 1865 s. 34(4).

8. There shall be paid for a general licence such sum as shall be agreed by the Fishery Board and the person entitled to the licence and be approved by the Board of Agriculture and Fisheries or as shall

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on the application of either party be determined by the Board of Agriculture and Fisheries having regard to the extent and productiveness of the fishery and to any conditions attached to the licence with respect to the nature of the instruments or devices to be used for catching fish or otherwise which shall be agreed upon by the said parties or in default of agreement be imposed by the Board of Agriculture and Fisheries. A.D. 1912.

9. A scale of licence duties fixed by the Fishery Board may provide for licences available only for part of a year but no licence shall be available after the expiration of the year for which it is issued. Duration of licences.

10. The Fishery Board with a view to the improvement and development of the freshwater fisheries in the Fishery District may make byelaws to be made confirmed and published in the same manner as byelaws authorised by section 39 of the Salmon Fishery Act 1873 for any of the following purposes (in addition to any other purposes for which byelaws may be made under the Salmon and Freshwater Fisheries Acts 1861 to 1892):— Additional powers of making bye-laws.

- (i) To prohibit or regulate fishing for catching or killing or attempting to catch or kill any specified kind of freshwater fish between the dates specified in the byelaw either generally or with any specified instrument;
- (ii) To prohibit or regulate taking of any specified kind of freshwater fish of a less size than that specified in the byelaw;
- (iii) To prohibit or regulate the use of nets between one hour after sunset and one hour before sunrise or on Sundays;
- (iv) To determine the mesh length size and description of nets or other instruments which may lawfully be used and the manner of using the same for taking any specified kind of freshwater fish;
- (v) To require any person taking fish in a net or by an instrument which may not lawfully be used for taking such fish or any fish which may not lawfully be taken to return the fish immediately to the water without avoidable injury;
- (vi) To exempt any specified kind of non-migratory trout (other than *salmo fario*) from the provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 which regulate the period during which it shall be illegal to take or kill trout and to prohibit fishing for catching or killing or attempting to catch or kill such exempted kind of trout between the dates specified in the byelaw;
- (vii) To prohibit the introduction of any specified kind of fish into any waters within the Fishery District with such exceptions as may be prescribed by the byelaw;

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A.D. 1912. (viii) To impose a penalty not exceeding five pounds for each offence against a byelaw;

and Part VII. and section 62 of the Salmon Fishery Act 1873 shall apply to any byelaw made under this provision.

Exemption  
of angling  
on Bank  
Holidays.

11. Nothing in the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order or any byelaw made thereunder shall render any person liable to conviction for fishing for catching or killing or attempting to catch or kill with rod and line freshwater fish within the Fishery District on Easter Bank Holiday or any of the three preceding days or on Whit Monday or either of the two preceding days.

Special per-  
mits for  
taking fish  
for stocking  
&c.

12.—(1) The Fishery Board may by written permit authorise the use of any instrument specified in the permit for the purpose of taking fish for stocking or breeding purposes or for scientific purposes or for the destruction of any specified kind of fish and such permit may contain such conditions as the Fishery Board think fit and in such case any provision in the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order or any byelaw made by the Fishery Board penalising the use of such instrument or its use without a licence or the catching or killing of fish at particular times or places shall not apply to the use of the instrument by the person to whom the permit is granted for the purposes and subject to the conditions specified in the permit or to the catching or killing of fish by such use.

(2) A permit granted to a person under this section shall not be construed as authorising him to fish in any waters in which he is not otherwise entitled to fish.

Removal of  
diseased fish.

13. The provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 relating to powers of water bailiffs shall in the case of a water bailiff appointed by the Fishery Board extend to the removal of diseased fish from any waters in the Fishery District and to the disposal of the same as the Fishery Board direct.

Confirmation  
of byelaws.

14. A byelaw made by the Fishery Board may be confirmed by the Board of Agriculture and Fisheries either without modification or with such modification as may be assented to by the Fishery Board and in the latter case notice of the proposed modification shall be given by the Fishery Board by advertisement or otherwise in accordance with the directions (if any) of the Board of Agriculture and Fisheries in that behalf.

Exemption  
of reservoirs  
&c.

15. Any provision in the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order and any byelaw made thereunder which—

(A) prohibits or regulates fishing for catching or killing or attempting to catch or kill freshwater fish (other than trout or smelts) between specified dates; or

(b) prohibits or regulates taking of any such fish of less than a specified size; or A.D. 1912.

(c) determines the mesh length size or description of nets or other instruments which may lawfully be used and the manner of using them for taking any such fish;

shall not apply to the waters described in the Second Schedule to this Order or to any reservoir lake or pond which is shown to the satisfaction of the Fishery Board to have no connexion with any water above or below through which fish can pass into or out of the reservoir lake or pond and for which a certificate of exemption on that account is obtained by the owner or occupier from the Fishery Board. An exemption certificate may be withdrawn by the Fishery Board if in their opinion the reservoir lake or pond ceases to fall within the scope of this provision.

16. This Order shall not apply to Oulton Broad unless and until the Board of Agriculture and Fisheries are satisfied that the application of the Order thereto has become desirable and so direct after holding a local inquiry and considering any objections presented to them. Provision as to Oulton Broad.

17. A copy of any byelaw made by the Fishery Board purporting to be signed by the clerk of the Fishery Board and certified by him to be a true copy and to have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof. Proof of byelaws.

18.—(1) The provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 with respect to conservators boards of conservators and fishery districts except as herein expressly provided and so far as they are consistent with the provisions of this Order shall apply to the Fishery Board the members of the Board and the Fishery District as if such Board and District were formed under those Acts and as if the waters lying within the Fishery District were a river and subject to the provisions of this Order the Fishery Board shall as regards the Fishery District have all such powers and duties as may be exercised or discharged by a board of conservators constituted under the said Acts or any of them. Application of provisions of Salmon and Freshwater Fisheries Acts and Norfolk and Suffolk Fisheries Act 1877.

(2) The provisions of those Acts with respect to the formation alteration combination and dissolution of fishery districts and the sections or parts of sections of those Acts mentioned in the Third Schedule to this Order shall not apply to the Fishery Board or within the Fishery District.

(3) Sections 14 to 17 (inclusive) of the Norfolk and Suffolk Fisheries Act 1877 shall apply within the district and to byelaws offences and penalties under the Salmon and Freshwater Fisheries Acts 1861 to

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A.D. 1912. 1892 or this Order but except to this extent the provisions of the Norfolk and Suffolk Fisheries Act 1877 shall not after the appointed day apply within the Fishery District.

Limitation of operation of Order. 19. The provisions of this Order shall cease to operate on the thirty-first day of December nineteen hundred and twenty-two unless the operation thereof with or without modification is extended by a Provisional Order made and confirmed before that date under and in accordance with the Salmon and Freshwater Fisheries Act 1907.

GENERAL PROVISIONS.

Definitions. 20.—(1) In this Order unless the context otherwise requires the following terms have the meaning herein-after respectively assigned to them (that is to say):—

“Freshwater fish” means fish of any kind which live permanently or periodically in fresh water including smelts but excluding salmon;

“Owner” means the person for the time being receiving the rack-rent of a fishery whether on his own account or as trustee for any other person, or who would so receive the same if the fishery were let at a rackrent;

“Appointed day” means the date appointed by the Board of Agriculture and Fisheries as that on which the first members of the Fishery Board shall come into office;

Other expressions have the same meaning as in the Salmon and Freshwater Fisheries Acts 1861 to 1892.

(2) Any document purporting to be signed by one of several persons entitled as joint tenants or tenants in common of a fishery on behalf of himself and the other persons or to be signed by the clerk of any body corporate being an owner of a fishery on behalf of such body shall unless and until the contrary is proved be treated for the purposes of this Order as signed by all the persons entitled or by the body corporate as the case may be.

Short title. 21. This Order may be cited as the Norfolk Fisheries Provisional Order 1912.

TRANSITORY PROVISIONS.

Abolition of existing Board of Conservators and other transitory provisions. 22.—(1) The jurisdiction of the existing Board of Conservators of the Norfolk and Suffolk Fisheries shall be abolished so far as regards the Fishery District on the appointed day and the Fishery Board within the Fishery District shall to all intents and purposes represent and be deemed a continuation of the existing Board. Except as otherwise expressly provided by this Order any byelaw notice or document made fixed given or executed by the existing Board shall



upon such abolition take effect within the Fishery District as if it had been made fixed given or executed by the Fishery Board but shall not in any other respect be altered or affected by this Order. A.D. 1912.

(2) The time and place of the first meeting of the Fishery Board shall be fixed by the Board of Agriculture and Fisheries.

(3) The Fishery Board shall come into office on the appointed day and the members of the existing Board shall remain in office until that date.

(4) All property acquired and liabilities incurred by the existing Board shall be apportioned between that Board and the Fishery Board in such manner as may be agreed or as in default of agreement shall be determined on the application of either Board by the Board of Agriculture and Fisheries.

(5) The costs incurred by the existing Board in obtaining this Order and its confirmation by Parliament shall be paid by the existing Board or by the Fishery Board out of any funds in their hands.

In witness whereof the Board of Agriculture and Fisheries have hereunto set their Official Seal }  
this twenty-first day of May nineteen hundred }  
and twelve.

(L.S.)

(Signed)

T. H. ELLIOTT  
Secretary.

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## SCHEDULES.

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### FIRST SCHEDULE.

#### AREA WITHIN WHICH THE ORDER APPLIES.

The area included within a line commencing at the Coast Guard Station at Covehithe in the county of Suffolk thence drawn straight to the nearest point on the natural watershed of the rivers flowing into the sea to the north of the said Coast Guard Station thence successively in a westerly a northerly and an easterly direction along such watershed until it reaches the nearest point to the lighthouse at Happisburgh in the county of Norfolk thence in a southerly direction along the coast-line until it reaches the Coast Guard Station before mentioned Provided that such line shall not include Lake Lothing

A.D. 1912. or Lowestoft Harbour or such parts of rivers or the tributaries of such parts as lie above the under-mentioned mill dams respectively viz. Syleham Mill dam on the River Waveney Loddon Mill dam on the River Chet Trowse Mill dam on the River Yare Hellesdon Mill dam on the River Wensum Aylsham Mill dam on the River Bure and Antingham Mill dam on the River Ant.

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SECOND SCHEDULE.

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RESERVOIRS &C. ENTITLED TO EXEMPTION UNDER SECTION 15 OF  
THIS ORDER.

In Norfolk—

Gunton two lakes.  
Westwick three or four lakes.  
Calthorpe Broad.  
Worstead lake.  
Cawston lake.  
Scottow lake.  
Beeston lake.  
Stratton Strawless lake.  
Hoveton lake.  
Alderfen or Oliver Broad.  
Crowe's Broad.  
Burnt fen Broad.  
Upton Broad.  
Pedham Dam.  
Mautby Decoy.  
Plumstead lakes.  
Buckenham Broad.  
Hasingham Broad.

In Suffolk—

Fritton lake.  
Flixton lake.  
Blundeston lake.

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THIRD SCHEDULE.

A.D. 1912.

PROVISIONS WHICH BY THIS ORDER ARE DECLARED TO BE INAPPLICABLE  
 TO THE FISHERY BOARD OR WITHIN THE FISHERY DISTRICT.

Act.	Section.	Subject.
Salmon Fishery Act 1865.	Section 15 - - -	Tenure of office by Conservators.
	Section 16 - - -	Notice of appointment of Conservators.
	Section 29 - - -	Audit of accounts.
	Section 34 (8) - - -	Notice on first appointment of Conservators.
	In sections 35 and 36 the words " From and after a time to be appointed as aforesaid."	
Salmon Fishery Act 1873.	In section 21 (2) the words from " Licences granted for public or common" to "rod and line" inclusive.	Provision for separate licences for public and private fisheries.
	Section 26 - - -	Ex-officio members of Boards of Conservators.
	Section 27 - - -	Provision for persons under dis- ability.
	Section 39 (5) - - -	Power to make byelaws to deter- mine forms of licence.
Freshwater Fish- eries Act 1878.	Section 7 - - -	Provisions as to licences.
	Section 11 (1) (2) and (3) - - -	Close season for freshwater fish.

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