



# Salmon and Freshwater Fisheries Act 1975

## 1975 CHAPTER 51

### PART I

#### PROHIBITION OF CERTAIN MODES OF TAKING OR DESTROYING FISH, ETC.

#### 1 Prohibited implements.

- (1) <sup>F1</sup>... no person shall—
- (a) use any of the following instruments, that is to say—
    - (i) a firearm within the meaning of the <sup>M1</sup>Firearms Act 1968;
    - (ii) an otter lath or jack, wire or snare;
    - (iii) a crossline or setline;
    - (iv) a spear, gaff, <sup>F2</sup>tailer, ] stroke-haul, snatch or other like instrument;
    - (v) a light;for the purpose of taking or killing <sup>F3</sup>salmon, trout, eels, lampreys, smelt, shad, freshwater fish and any specified fish in any waters ];
  - (b) have in his possession any instrument mentioned in paragraph (a) above intending to use it to take or kill <sup>F4</sup>any such fish in any waters ];
  - (c) throw or discharge any stone or other missile for the purpose of taking or killing, or facilitating the taking or killing of <sup>F5</sup>any such fish in any waters ].

<sup>F6</sup>(1A) In this section “ specified fish ” means fish of such description as may be specified for the purposes of this section by order under section 40A below.

- (1B) The appropriate national authority may by order amend subsection (1)(a) above so as to—
- (a) add any instrument to it; or
  - (b) remove any instrument for the time being specified in it.]

- (2) If any person contravenes this section, he shall be guilty of an offence unless he proves to the satisfaction of the court that the act was done for the purpose of the preservation or development of a private fishery and with the previous permission in writing of <sup>F7</sup>the appropriate agency].

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

(3) In this section—

“crossline” means a fishing line reaching from bank to bank across water and having attached to it one or more lures or baited hooks;

“otter lath or jack” includes any small boat or vessel, board, stick or other instrument, whether used with a hand line, or as auxiliary to a rod and line, or otherwise for the purpose of running out lures, artificial or otherwise;

“setline” means a fishing line left unattended in water and having attached to it one or more lures or baited hooks;

“stroke-haul or snatch” includes any instrument or device, whether used with a rod and line or otherwise, for the purpose of foul hooking any fish.

[<sup>F8</sup>(3A) References in this section to any waters include waters adjoining the coast of England and Wales to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured.]

<sup>F9</sup>(4) . . . . .

**Textual Amendments**

**F1** Words in s. 1(1) repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 215(7)(a), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 10, 27(b)

**F2** Word in s. 1(1)(a)(iv) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 215(2)(a), 324(3); S.I. 2009/3345, art. 2, Sch. para. 10

**F3** Words in s. 1(1)(a) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 215(2)(b), 324(3); S.I. 2009/3345, art. 2, Sch. para. 10

**F4** Words in s. 1(1)(b) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 215(3), 324(3); S.I. 2009/3345, art. 2, Sch. para. 10

**F5** Words in s. 1(1)(c) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 215(4), 324(3); S.I. 2009/3345, art. 2, Sch. para. 10

**F6** S. 1(1A)(1B) inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 215(5), 324(1)(c), 324(1)(d); S.I. 2009/3345, art. 2, Sch. para. 10

**F7** Words in s. 1(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 128** (with Sch. 7)

**F8** S. 1(3A) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 215(6), 324(3); S.I. 2009/3345, art. 2, Sch. para. 10

**F9** S. 1(4) repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 215(7)(b), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 10, 27(b)

---

**Marginal Citations**

**M1** 1968 c. 27.

**2 Roe, spawning and unclean fish, etc.**

(1) Subject to subsection (5) below, any person who, for the purpose of fishing for <sup>F10</sup> salmon, trout, eels, lampreys, smelt, shad, freshwater fish or any specified fish in any waters ]—

(a) uses any fish roe; or

(b) buys, sells, or exposes for sale, or has in his possession <sup>F11</sup> any fish roe ], shall be guilty of an offence.

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

- (2) Subject to subsections (3)<sup>[F12]</sup>, (3A) ] and (5) below, any person who—
- (a) knowingly takes, kills or injures, or attempts to take, kill or injure, any <sup>[F13]</sup> salmon, trout, lamprey, smelt, shad, freshwater fish or specified fish in any waters ] which is unclean or immature; or
  - (b) buys, sells, or exposes for sale, or has in his possession <sup>[F14]</sup> any such fish ] which is unclean or immature, or any part of any such fish,
- shall be guilty of an offence.
- (3) Subsection (2) above does not apply to any person who takes a fish accidentally and returns it to the water with the least possible injury.
- <sup>[F15]</sup>(3A) Subsection (2) above does not apply where a person takes an immature freshwater fish in circumstances prescribed by byelaws.]
- (4) Subject to subsection (5) below, any person who, except in the exercise of a legal right to take materials from any waters, wilfully disturbs any spawn or spawning fish, or any bed, bank or shallow on which any spawn or spawning fish may be, shall be guilty of an offence.
- (5) A person shall not be guilty of an offence under this section in respect of any act, if he does the act for the purpose of the artificial propagation of <sup>[F16]</sup> fish of any description ] or for some scientific purpose or for the purpose of the preservation or development of a private fishery and has obtained the previous permission in writing of <sup>[F17]</sup>the appropriate agency].
- <sup>[F18]</sup>(6) In this section “ specified fish ” means fish of such description as may be specified for the purposes of this section by order under section 40A below.
- (7) Subsection (3A) of section 1 above applies for the purposes of this section.]

#### Textual Amendments

- F10** Words in s. 2(1) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 216(2)(a)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 10
- F11** Words in s. 2(1)(b) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 216(2)(b)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 10
- F12** Word in s. 2(2) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 216(3)(a)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 10
- F13** Words in s. 2(2)(a) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 216(3)(b)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 10
- F14** Words in s. 2(2)(b) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 216(3)(c)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 10
- F15** S. 2(3A) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 216(4)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 10
- F16** Words in s. 2(5) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 216(5)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 10
- F17** Words in s. 2(5) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 128** (with Sch. 7)
- F18** S. 2(6)(7) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 216(6)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 10

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

- C1** S. 2(2)(a) amended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), s. 33(1), **Sch. 4 Pt. I para. 1**

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

**C2** S. 2(2)(b) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(5), **Sch. 4 Pt. II para. 26**

**F19**<sup>3</sup> **Nets.**

.....

**Textual Amendments**

**F19** S. 3 repealed (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 16 para. 2, **22 Pt. 5(B)**; S.I. 2010/298, art. 2, Sch. para. 13

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

**C3** S. 3 amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 2**

**4** **Poisonous matter and polluting effluent.**

(1) <sup>F20</sup>... any person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any waters containing fish or into any tributaries of waters containing fish, any liquid or solid matter to such an extent as to cause the waters to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish, shall be guilty of an offence.

<sup>F21</sup>(2) .....

(3) Proceedings under this section shall not be instituted [<sup>F22</sup>except by the appropriate agency or] by a person who has first obtained a certificate from the Minister that he has a material interest in the waters alleged to be affected.

**Textual Amendments**

**F20** Words in s. 4(1) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. para. 27(b)

**F21** S. 4(2) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 233(2)(a), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 16, 27(b)

**F22** Words in s. 4(3) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 129** (with Sch. 7)

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

**C4** S. 4 amended by Water Act 1989 (c. 15, SIF 130), **ss. 103(1)**, 113(4), 123(1) (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)

S. 4 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. I para.4**

**C5** S. 4 excluded (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1 para. 30(1)**

**C6** S. 4 modified by SI 2010/675 Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by The Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043), reg. 1(b), **Sch. 1**)

**C7** S. 4 modified (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), Sch. 23 paras. 1(3), **2** Table 9 (with regs. 1(3), 77-79, Sch. 4)

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

## 5 Prohibition of use of explosives, poisons or electrical devices and of destruction of dams etc.

(1) Subject to <sup>F23</sup> subsections (2) and (2A) ] below, no person shall use in or near any waters (including waters adjoining the coast of England and Wales <sup>F24</sup>to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured] any explosive substance, any poison or other noxious substance, or any electrical device, with intent thereby to take or destroy fish.

(2) Subsection (1) above shall not apply to the use by a person of any substance or device—

(a) for a scientific purpose, or for the purpose of protecting, improving or replacing stocks of fish; and

(b) with the permission in writing <sup>F25</sup>of the appropriate agency, for which that agency may<sup>F26</sup>charge a fee<sup>F27</sup> . . . ;

<sup>F28</sup> . . .

<sup>F29</sup>(2A) Subsection (1) above shall not apply to anything done pursuant to an authorisation granted by the <sup>F30</sup>appropriate agency] under section 27A below.]

(3) No person shall, without lawful excuse, destroy or damage any dam, flood-gate or sluice with intent thereby to take or destroy fish.

(4) A person who contravenes subsection (1) or (3) above or who, for the purpose of contravening subsection (1) above, has in his possession any explosive or noxious substance or any electrical device, shall be guilty of an offence.

(5) The use of any substance in any waters for a purpose falling within paragraph (a) of subsection (2) above, and with the permission mentioned in paragraph (b) of that subsection, shall not constitute an offence under—

(a) section 4 above;

(b) any byelaws made under paragraph 31 of Schedule 3 below;

<sup>F31</sup>(c) regulation 38(1) of <sup>F32</sup>the Environmental Permitting (England and Wales) Regulations 2016] ;

(d) section 22(1)(a) of the <sup>M2</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951.

<sup>F33</sup>(6) . . . . .

### Textual Amendments

**F23** Words in s. 5(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 3(2)**; S.I. 2010/298, art. 2, Sch. para. 13

**F24** Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#), **Sch. 2 para. 20**

**F25** Words in s. 5(2)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 130(2)** (with Sch. 7)

**F26** Words in s. 5(2)(b) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 3(3)**; S.I. 2009/3345, art. 2, **Sch. para. 15(b)**

**F27** Words 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)

**F28** Words in s. 5(2) repealed (1.4.1996) by 1995 c. 25, ss. 105, 120(3), Sch. 15 para. 7, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

---

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

---

- F29** S. 5(2A) inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 3(4)**; S.I. 2010/298, art. 2, Sch. para. 13
- F30** Words in s. 5(2A) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 130(3)** (with Sch. 7)
- F31** S. 5(5)(c) substituted (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 4** (with reg. 1(2), Sch. 4)
- F32** Words in s. 5(5)(c) substituted (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 29 para. 4** (with regs. 1(3), 77-79, Sch. 4)
- F33** S. 5(6) 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)**

- C8** S. 5(1) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 3**
- C9** S. 5(4) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 3**

---

**Marginal Citations**

- M2** 1951 c. 66.

**Changes to legislation:**

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Part I.