



# 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) Subject to subsection (4) below, no person shall—
- (a) use any of the following instruments, that is to say—
    - (i) a firearm within the meaning of the Firearms Act 1968;
    - (ii) an otter lath or jack, wire or snare;
    - (iii) a crossline or setline ;
    - (iv) a spear, gaff, stroke-haul, snatch or other like instrument;
    - (v) a light;for the purpose of taking or killing salmon, trout or freshwater fish;
  - (b) have in his possession any instrument mentioned in paragraph (a) above intending to use it to take or kill salmon, trout or freshwater fish ; or
  - (c) throw or discharge any stone or other missile for the purpose of taking or killing, or facilitating the taking or killing of any salmon, trout or freshwater fish.
- (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 the water authority for the area in which the act was done.
- (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;

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" 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.

- (4) This section shall not apply to any person using a gaff (consisting of a plain metal hook without a barb) or taller as auxiliary to angling with a rod and line or having such a gaff or a tailer in his possession intending to use it as aforesaid.

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

- (1) Subject to subsection (5) below, any person who, for the purpose of fishing for salmon, trout or freshwater fish—

- (a) uses any fish roe ; or
- (b) buys, sells, or exposes for sale, or has in his possession any roe of salmon or trout,

shall be guilty of an offence.

- (2) Subject to subsections (3) and (5) below, any person who—

- (a) knowingly takes, kills or injures, or attempts to take, kill or injure, any salmon, trout or freshwater fish which is unclean or immature ; or
- (b) buys, sells, or exposes for sale, or has in his possession any salmon, trout or freshwater 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.

- (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 salmon, trout or freshwater fish 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 the water authority for the area.

## **3 Nets**

- (1) Any person who shoots or works any seine or draft net for salmon or migratory trout in any waters across more than three-fourths of the width of those waters shall be guilty of an offence.

- (2) Subject to subsection (3) below, any person who, except in a place where smaller dimensions are authorised by byelaw, takes or attempts to take salmon or migratory trout with any net that has a mesh of less dimensions than 2 inches in extension from knot to knot (the measurement to be made on each side of the square), or 8 inches measured round each mesh when wet, shall be guilty of an offence.

- (3) In subsection (2) above " net " does not include a landing net in use as auxiliary to angling with rod and line.

- (4) The placing of two or more nets the one behind the other or near to each other in such manner as practically to diminish the mesh of the nets used, or the covering of the nets used with canvas, or the using of any other device so as to evade subsection (2) above, shall be deemed to be a contravention of that subsection.

#### **4 Poisonous matter and polluting effluent**

- (1) Subject to subsection (2) below, 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.
- (2) A person shall not be guilty of an offence under subsection (1) above for any act done in the exercise of any right to which he is by law entitled or in continuance of a method in use in connection with the same premises before 18th July 1923, if he proves to the satisfaction of the court that he has used the best practicable means, within a reasonable cost, to prevent such matter from doing injury to fish or to the spawning grounds, spawn or food of fish.
- (3) Proceedings under this section shall not be instituted except by the water authority for the area 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.

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

- (1) Subject to subsection (2) below, no person shall use in or near any waters (including waters adjoining the coast of England and Wales and within the exclusive fishery limits of the British Islands) 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 of the water authority for the area;
- but as respects the use of any noxious substance such permission shall not be given by a water authority otherwise than with the approval of the Minister.
- (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;
  - (c) section 2(1)(a) of the Rivers (Prevention of Pollution) Act 1951 ; or

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- (d) section 22(1)(a) of the Rivers (Prevention of Pollution) (Scotland) Act 1951.
- (6) On the coming into force of section 31 of the Control of Pollution Act 1974, subsection (5) above shall have effect as if the following paragraph were substituted for paragraph (c):—
- “(c) section 31(1)(a) of the Control of Pollution Act 1974”.