



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART IV

FISHING LICENCES

25 Licences to fish.

[^{F1}(1) The Agency shall by means of a system of licensing regulate fishing by licensable means of fishing for—

- (a) salmon, trout, eels, lampreys, smelt and freshwater fish; and
- (b) fish of such other description as may be specified for the purposes of this section by order under section 40A below.

(1A) In this Act “ licensable means of fishing ” means any of the following—

- (a) rod and line;
- (b) an historic installation;
- (c) such other means of fishing as the appropriate national authority may by order specify.

(1B) In this Act “ historic installation ” means any of the following—

- (a) a fixed engine certified in pursuance of the Salmon Fishery Act 1865 to be a privileged fixed engine;
- (b) a fixed engine which was in use for taking salmon or migratory trout during the open season of 1861, in pursuance of an ancient right or mode of fishing as lawfully exercised during that open season, by virtue of any grant or charter or immemorial usage;
- (c) a fishing weir or fishing mill dam which was lawfully in use on 6th August 1861 by virtue of a grant or charter or immemorial usage.]

(2) Subject to the following provisions of this section, a licence granted for the purposes of this section (hereafter in this Act referred to as a “fishing licence”) shall entitle the person to whom it was granted and no others to use an instrument specified in the licence to fish for any fish [^{F2}of a description, in an area and for a period][^{F2}of such a description, in such area or areas and for such period as is] so specified.

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- (3) A fishing licence for the use of an instrument other than a rod and line to fish for salmon or trout shall also authorise the use of the instrument for that purpose by the duly authorised servants or agents of the person to whom it was granted, but [F3]not exceeding the number permitted by paragraph 13 of Schedule 2 to this Act[F3]subject to the provisions of paragraphs 9 to 13 of Schedule 2 to this Act].
- (4) A fishing licence for the use of a rod and line shall entitle the licensee to use as ancillary to that use a gaff, consisting of a plain metal hook without a barb, or a tailer or landing net.
- (5) A fishing licence for the use of any instrument for fishing for salmon shall authorise the use of that instrument for fishing for trout.
- (6) A fishing licence in respect of any instrument for fishing for salmon or trout shall authorise the use of that instrument for fishing for freshwater fish and eels.
- (7) Any person or association entitled to an exclusive right of fishing in any inland waters may be granted a general licence to fish in those waters subject to any conditions agreed between the water authority and the licensee, and the licence shall entitle the licensee and, subject to paragraph 9 of Schedule 4 below, any person authorised by him in writing, or in the case of an association, by its secretary so to fish.
- (8) Schedule 2 to this Act shall have effect with respect to fishing licences.
- (9) Any licence in force under any provision of section 61 of the ^{M1}Salmon and Freshwater Fisheries Act 1923 immediately before 29th June 1972 shall be treated as having been granted under the corresponding provision of this section.

Textual Amendments

- F1** S. 25(1)-(1B) substituted for s. 25(1) (12.11.2009 for specified purposes) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 217(1)**, 324(1)(c), 324(1)(d)
- F2** Words “of such a description, in such area or areas and for such period as is” substituted for “of a description, in an area and for a period” (E.W.) by [Water Act 1989 \(c.15, SIF 130\)](#), s. 141, **Sch. 17 para. 7(1)(5)** (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)
- F3** Words beginning “subject to the provisions” substituted for words beginning “not exceeding” (E.W. and as mentioned in s. 43(4) of the amending act (border rivers)) by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), **ss. 33(1)**, 43(4)

Marginal Citations

- M1** 1923 c. 16.

26 Limitation of fishing licences.

- (1) A water authority may [F4]in relation to any such area or areas as are specified in the order,] by order confirmed by the Minister—
 - (a) limit for a period not exceeding ten years from the coming into operation of the order the number of fishing licences to be issued in any year for fishing in [F5]any part of their area[F5]that area or those areas] for salmon or trout other than rainbow trout with any instrument so specified other than rod and line; and

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- (b) provide for the selection of the applicants to whom such licences are to be issued where the number of applications exceeds the number of licences which may be granted.

[^{F6}(1A) The Agency may only make an order under subsection (1) above in relation to licences for fishing for fish of any description if it is satisfied that it is necessary to do so for the purposes of—

- (a) maintaining, improving or developing fisheries of any fish referred to in section 25(1) above; or
- (b) protecting the marine or aquatic environment from significant harm.

(1B) The Agency may not make an order under subsection (1) above in relation to licences for fishing for fish by—

- (a) rod and line; or
- (b) an historic installation.]

(2) Where the Minister proposes to confirm an order under this section, he shall require the water authority to publish the order and notice of his intention to confirm it in such manner as he may require, together with a notification that within a period specified in the requirement written objections to the order may be made to him.

(3) The Minister shall consider any such objections received by him within the said period, and—

- (a) if the number of licences as proposed to be limited by the order is less than the number of licences issued in any of the three years preceding the year in which the order is to come into operation; and
- (b) any such objection is made by any person who has during each of the two years preceding that year held a licence of the same description as the licences which it is proposed so to limit in number;

he shall cause a local inquiry to be held before confirming the order.

(4) Subject to subsection (5) below, the Minister shall not confirm an order under this section unless he is satisfied that the terms of the order relating to the selection of applicants for licences are such as to secure that any person who during the year preceding that year held a fishing licence to use an instrument of any description and who is dependent on fishing for his livelihood will be able to obtain a fishing licence to use an instrument of that description.

(5) If it appears to the Minister that the operation of subsection (4) above would be detrimental to the conservation of any fishery, he may direct that the subsection shall in its application to that fishery have effect with the substitution for the words “the year” of the words “the two years” or, if in his opinion special circumstances justify it, “the three years”.

(6) The Minister may with the consent of the water authority vary an order submitted to him under this section before confirming it and may require the water authority to publish the terms of the proposed variation in such manner, if any, as he may specify in the requirement.

(7) An order under this section may be revoked by the Minister, or by an order made by the water authority and confirmed by the Minister.

[^{F7}(8) Any order limiting the number of licences in force in a water authority area under section 62 of the ^{M2}Salmon and Freshwater Fisheries Act 1923 immediately before

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29th June 1972 shall be treated as having limited the number of licences in that area for a period of ten years from that date.]

Textual Amendments

- F4** Words inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 141, [Sch. 17 para. 7\(1\)\(6\)\(a\)](#) (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)
- F5** Words “that area or those areas” substituted for “any part of their area” (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 141, [Sch. 17 para. 7\(1\)\(6\)\(b\)](#) (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)
- F6** S. 26(1A)(1B) inserted (12.11.2009 for specified purposes, 1.1.2011 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 218\(3\)](#), 324(1)(c), 324(1)(d); S.I. 2010/298, [art. 2](#), Sch. para. 13
- F7** S. 26(8) repealed (E.W.) 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)

Marginal Citations

- M2** 1923 c. 16.

27 Unlicensed fishing.

A person is guilty of an offence if, in any place in which fishing for fish of any description is regulated by a system of licensing, he—

- (a) fishes for or takes fish of that description otherwise than by means of an instrument which he is entitled to use for that purpose by virtue of a fishing licence or otherwise than in accordance with the conditions of the licence; or
- (b) has in his possession with intent to use it for that purpose an instrument other than one which he is authorised to use for that purpose by virtue of such a licence.

Modifications etc. (not altering text)

- C1** S. 27 amended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), s. 33(1), [Sch. 4 Pt. I para. 5](#)
- C2** S. 27 excluded (30.6.1999) by S.I. 1999/1746, [arts. 1\(1\)](#), 6(3) (with art. 2); S.I. 1998/3178, [art. 3](#)

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