



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART IV

FISHING LICENCES^[F1] AND AUTHORISATIONS]

Textual Amendments

- F1** Words in Pt. IV heading inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. [219\(1\)](#), [324\(3\)](#); S.I. 2010/298, art. 2, Sch. para. 13

25 Licences to fish.

[^{F2}(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;

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- (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 [^{F3} the means of fishing] specified in the licence to fish for any fish [^{F4} of a description, in an area and for a period][^{F4} of such a description, in such area or areas][^{F5} (or in waters of such description or descriptions)] and for such period as is] so specified.
- (3) A fishing licence for the use of [^{F6} any means of fishing] other than a rod and line to fish for salmon or trout shall also authorise the use of [^{F7} that means of fishing] for that purpose by the duly authorised servants or agents of the person to whom it was granted, but [^{F8} not exceeding the number permitted by paragraph 13 of Schedule 2 to this Act][^{F8} 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 ^{F9}... landing net.
- ^{F10}(5)
- ^{F11}(6)
- (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.
- [^{F12}(10) For the purposes of this Part, the Agency may permit a person to take fish of any description in circumstances where he would for those purposes otherwise require a fishing licence.]
- [^{F12}(11) Permission under subsection (10) above—
- (a) must be in writing;
 - (b) may be given generally or specifically;
 - (c) may be given subject to conditions.]

Textual Amendments

- F2** S. 25(1)-(1B) substituted for s. 25(1) (12.11.2009 for specified purposes, 12.1.2010 for specified purposes, 1.1.2011 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 217\(1\), 324\(1\)\(c\), 324\(1\)\(d\)](#); S.I. 2009/3345, art. 2, Sch. para. 11; S.I. 2010/298, art. 2, Sch. para. 13
- F3** Words in s. 25(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 9\(2\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F4** 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)

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

- F5** Words in s. 25(2) inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), ss. 217(2), 324(3); S.I. 2010/298, art. 2, Sch. para. 13
- F6** Words in s. 25(3) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 16 para. 9(3)(a); S.I. 2010/298, art. 2, Sch. para. 13
- F7** Words in s. 25(3) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 16 para. 9(3)(b); S.I. 2010/298, art. 2, Sch. para. 13
- F8** 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)
- F9** Words in s. 25(4) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 217(3), 324(3), Sch. 22 Pt. 5(B); S.I. 2009/3345, art. 2, Sch. paras. 11, 27(b)
- F10** S. 25(5) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 217(4), 324(3), Sch. 22 Pt. 5(B); S.I. 2009/3345, art. 2, Sch. paras. 11, 27(b)
- F11** S. 25(6) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 217(4), 324(3), Sch. 22 Pt. 5(B); S.I. 2009/3345, art. 2, Sch. paras. 11, 27(b)
- F12** S. 25(10)(11) inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), ss. 217(5), 324(3); S.I. 2010/298, art. 2, Sch. para. 13

Modifications etc. (not altering text)

- C1** S. 25 excluded (15.1.2010) by Eels (England and Wales) Regulations 2009 (S.I. 2009/3344), regs. 1(b), 10 (with reg. 1(d))
- C2** S. 25 excluded (15.1.2010) by Eels (England and Wales) Regulations 2009 (S.I. 2009/3344), regs. 1(b), 11 (with reg. 1(d))

Marginal Citations

- M1** 1923 c. 16.

26 Limitation of fishing licences.

- (1) [^{F13} Subject to this section]A water authority may [^{F14} in relation to any such area or areas as are specified in the order,] by order confirmed by [^{F15} the appropriate national authority]—
- limit for a period not exceeding ten years from the coming into operation of the order the number of fishing licences [^{F16} of any description to be issued pursuant to section 25 above in any year in relation to that area or those areas]; and
 - 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.

[^{F17}(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—

- maintaining, improving or developing fisheries of any fish referred to in section 25(1) above; or
- 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—

- rod and line; or
- an historic installation.]

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- (2) Where [^{F18} the appropriate national authority] proposes to confirm an order under this section, [^{F19} that authority] shall require the water authority to publish the order and notice of [^{F20} that authority's] intention to confirm it in such manner as [^{F19} that authority] may require, together with a notification that within a period specified in the requirement written objections to the order may be made to [^{F21} that authority].
- (3) [^{F22} The appropriate national authority] shall consider any such objections received by [^{F23} that authority] 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;
- [^{F24} that authority] [^{F25} may cause] a local inquiry to be held before confirming the order.
- [^{F26}(4) If it appears to the Agency that an order under this section would prevent a person from fishing in circumstances where that person is wholly dependent on the fishing for his livelihood, the Agency may pay that person such amount by way of compensation as it considers appropriate.]
- (6) [^{F27} The appropriate national authority] may with the consent of the water authority vary an order submitted to [^{F28} that authority] 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 [^{F29} that authority] may specify in the requirement.
- (7) An order under this section may be revoked by [^{F30} the appropriate national authority], or by an order made by the water authority and confirmed by [^{F31} that authority].
- [^{F32}(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 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

- F13** Words in s. 26(1) inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 218(2)(a)**, 324(3); S.I. 2010/298, art. 2, Sch. para. 13
- F14** 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)
- F15** Words in s. 26(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 10(2)**; S.I. 2010/298, art. 2, Sch. para. 13
- F16** Words in s. 26(1)(a) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 218(2)(b)**, 324(3); S.I. 2010/298, art. 2, Sch. para. 13
- F17** 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
- F18** Words in s. 26(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 10(3)(a)**; S.I. 2010/298, art. 2, Sch. para. 13
- F19** Words in s. 26(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 10(3)(b)**; S.I. 2010/298, art. 2, Sch. para. 13

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- F20** Words in s. 26(2) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(3)(c)**; S.I. 2010/298, art. 2, Sch. para. 13
- F21** Words in s. 26(2) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(3)(d)**; S.I. 2010/298, art. 2, Sch. para. 13
- F22** Words in s. 26(3) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(4)(a)**; S.I. 2010/298, art. 2, Sch. para. 13
- F23** Words in s. 26(3) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(4)(b)**; S.I. 2010/298, art. 2, Sch. para. 13
- F24** Words in s. 26(3) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(4)(c)**; S.I. 2010/298, art. 2, Sch. para. 13
- F25** Words in s. 26(3) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 218(4), 324(3)**; S.I. 2010/298, art. 2, Sch. para. 13
- F26** S. 26(4) substituted for s. 26(4)(5) (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 218(5), 324(3)**; S.I. 2010/298, art. 2, Sch. para. 13
- F27** Words in s. 26(6) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(5)(a)**; S.I. 2010/298, art. 2, Sch. para. 13
- F28** Words in s. 26(6) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(5)(b)**; S.I. 2010/298, art. 2, Sch. para. 13
- F29** Words in s. 26(6) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(5)(c)**; S.I. 2010/298, art. 2, Sch. para. 13
- F30** Words in s. 26(7) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(6)(a)**; S.I. 2010/298, art. 2, Sch. para. 13
- F31** Words in s. 26(7) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 10(6)(b)**; S.I. 2010/298, art. 2, Sch. para. 13
- F32** 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.

[^{F33}(1)] A person is guilty of an offence if, in any place in which fishing for fish of any description [^{F34} by any licensable means of fishing] is regulated by a system of licensing, he—

[^{F35}(a) fishes for or takes fish of that description by that means and—

“(i) is not entitled to use that means for that purpose by virtue of a fishing licence, or

(ii) is acting in breach of any condition of such a licence, or”]

[^{F35}(b) where that licensable means of fishing is an instrument, has that instrument in his possession with intent to use it for that purpose and is not entitled to use it for that purpose by virtue of a fishing licence.]

[^{F36}(2) Subsection (1) above does not apply to a person where—

(a) he has permission under section 25(10) above to take fish of that description in that place by that means, and

(b) he is not acting in breach of any condition of that permission.]

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Textual Amendments

- F33** S. 27(1): s. 27 renumbered as s. 27(1) (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 16 para. 11\(2\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F34** Words in s. 27(1) inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 16 para. 11\(3\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F35** S. 27(1)(a)(b) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 16 para. 11\(4\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F36** S. 27(2) inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 16 para. 11\(5\)](#); S.I. 2010/298, art. 2, Sch. para. 13

Modifications etc. (not altering text)

- C3** S. 27 amended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), s. 33(1), [Sch. 4 Pt. 1 para. 5](#)
- C4** 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](#)

[^{F37} 27A Authorisation of fishing otherwise than by licensable means

- (1) The Agency may authorise a person to use any means, other than a licensable means of fishing, to fish 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.
- (2) An application for an authorisation under this section must be in such form as the Agency may specify.
- (3) An authorisation under this section must be in writing, but subject to that may be in such form as the Agency may determine.
- (4) An authorisation under this section—
 - (a) must be granted for a specified period of time;
 - (b) may be granted to more than one person;
 - (c) may be limited as to the waters in respect of which it is granted;
 - (d) may be subject to conditions.
- (5) The Agency may at any time, on application or on its own initiative—
 - (a) amend an authorisation under this section;
 - (b) revoke an authorisation under this section.
- (6) In determining whether to grant, amend or revoke an authorisation the Agency must consider the effect of doing so on—
 - (a) fisheries in the area to which the authorisation relates; and
 - (b) the aquatic or marine environment in that area.
- (7) An authorisation under this section granted to a body corporate—
 - (a) may, if the authorisation so specifies, apply in relation to any individual acting on behalf of that body (as well as to the body corporate); or
 - (b) may, if the authorisation so specifies, apply only in relation to individuals named in the authorisation when acting on behalf of the body (as well as to the body corporate).
- (8) The Agency may charge a fee for the grant of an authorisation under this section.

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- (9) Where the Agency determines standard fees for the grant of authorisations of particular descriptions, it must publish them.
- (10) Where—
- (a) the Agency has determined a standard fee for the grant of an authorisation of a particular description, but
 - (b) the Agency considers, in any case, that special circumstances apply to the grant of an authorisation of that description,
- it may charge a fee of another amount.]

Textual Amendments

F37 S. 27A - S. 27B inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 219(2)**, 324(3); [S.I. 2010/298](#), art. 2, Sch. para. 13

[^{F37}27B Unauthorised fishing etc

- (1) A person is guilty of an offence if, by any means other than a licensable means of fishing, he fishes for or takes any fish in circumstances where—
- (a) the fishing or taking may be authorised under section 27A above, but
 - (b) he is not authorised to fish for or take the fish under that section (or is so authorised but the fishing or taking is in breach of any condition of his authorisation).
- (2) A person is guilty of an offence if he has an instrument in his possession, other than an instrument which is a licensable means of fishing, with intent to use it to fish for or take fish in circumstances where—
- (a) the fishing or taking may be authorised under section 27A above, but
 - (b) he is not authorised to fish for or take the fish under that section (or is so authorised but the fishing or taking would be in breach of any condition of an authorisation under that section).]

Textual Amendments

F37 S. 27A - S. 27B inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 219(2)**, 324(3); [S.I. 2010/298](#), art. 2, Sch. para. 13

Status:

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