



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART V

ADMINISTRATION AND ENFORCEMENT

Regulation of fisheries etc.

28 General powers and duties of water authorities and Minister.

^{F1}(1) It shall be the duty of every water authority—

- (a) to maintain, improve and develop the salmon fisheries, trout fisheries, freshwater fisheries and eel fisheries in the area for which they exercise functions under this Act;
- (b) to establish advisory committees of persons who appear to them to be interested in any such fisheries in that area and consult them as to the manner in which the authority are to discharge their duty under paragraph (a) above.

(2) The duty to establish advisory committees imposed by paragraph (b) of section (1) above is a duty to establish a regional advisory committee for the whole of the area mentioned in paragraph (a) of that subsection and such local advisory committees as the water authority consider necessary to represent the interests referred to in paragraph (b) of that subsection in different parts of that area.

[A water authority may pay to any member of an advisory committee established by it ^{F2}(2A) in accordance with paragraph (b) of subsection (1) above such allowances as may be determined by the Minister with the consent of the Treasury.]

(3) Subject to subsection (4) below, the Minister may ^{F3}by statutory instrument make an order for the general regulation of the salmon, trout, freshwater and eel fisheries within an area defined by the order ^{F3}on an application made to him by the National Rivers Authority, by order made by statutory instrument make provision in relation to an area defined by the order—

- (a) for the imposition on the owners and occupiers of fisheries in that area of requirements to pay contributions to that Authority of such amounts as may

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- be determined under the order in respect of the expenses of the carrying out in relation to that area of that Authority's functions with respect to fisheries;
- (b) for such contributions to be paid or recovered in such manner and to be refundable in such circumstances as may be specified in or determined under the order;
- (c) for the modification, in relation to the fisheries in that area, of any provisions of this Act relating to the regulation of fisheries or of any provisions of a local Act relating to any fishery in that area;
- and an order under this subsection may contain such supplemental, consequential and transitional provision, including provision for the payment of compensation to persons injuriously affected by the order, as may appear to be necessary or expedient in connection with the other provisions of the order.]
- (4) An order under subsection (3) above shall not apply to any waters in respect of which the Minister has granted a licence under section 29 below.
- (5) An order under subsection (3) above may amend or revoke any previous order made under that subsection or under section 38 of the ^{M1}Salmon and Freshwater Fisheries Act 1923 or any Act repealed by that Act.
- (6) Schedule 3 to this Act shall have effect in relation to the Minister's power to make orders under subsection (3) above, to the powers of water authorities under this Act and to byelaws.
- (7) Any person who contravenes or fails to comply with a byelaw shall be guilty of an offence.
- (8) [^{F4}Section 36(3) of the ^{M2}Water Act 1973 and Schedule 7][^{F4}Section 186 of the Water Act 1989 and Schedule 24] to that Act (byelaw procedure) shall have effect in relation to byelaws under this Act.

Textual Amendments

- F1** S. 28(1)–(2A) 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)
- F2** S. 28(2A) inserted by Water Act 1983 (c. 23, SIF 130), s. 11(2), **Sch. 4 para. 4(1)**
- F3** Words beginning “on an application” substituted for words beginning “by statutory instrument” (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 141, 190, Sch. 17 para. 7(1)(7)(a), **Sch. 26 para. 40(3)** (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)
- F4** Words “Section 186 of the Water Act 1989 and Schedule 24” substituted for “Section 36(3) of the Water Act 1973 and Schedule 7” (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 141, 190, Sch. 17 para. 7(1)(7)(b), **Sch. 26 para. 40(3)** (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)

Modifications etc. (not altering text)

- C1** S. 28(7) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 6**

Marginal Citations

- M1** 1923 c. 16.
M2 1973 c. 37.

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29 Fish rearing licences.

- (1) The Minister may grant a licence to carry on the business of artificially propagating or rearing salmon or trout in any waters.
- (2) Any such licence may be granted subject to such conditions (if any) as the Minister thinks fit, and may be revoked if he is of opinion that any condition has not been observed.

30 Introduction of fish into inland waters.

A person shall be guilty of an offence if he introduces any fish or spawn of fish into an inland water, or has in his possession any fish or spawn of fish intending to introduce it into an inland water, unless he first obtains the written consent of the water authority ^{F5}within whose area any part of that water is situated^{F6} or the inland water is one which consists exclusively of, or of part of, a fish farm and which, if it discharges into another inland water, does so only through a conduit constructed or adapted for the purpose.

In this section “fish farm” has the same meaning as in the ^{M3}Diseases of Fish Act 1937.]

Textual Amendments

- F5** Words 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)
- F6** Words added (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. 34, 43(4)**

Marginal Citations

- M3** [1937 c.33\(52:2\)](#).

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