



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART V **E+W+S**

ADMINISTRATION AND ENFORCEMENT

Regulation of fisheries etc.

28 General powers and duties of water authorities and Minister. **E+W+S**

- F1(1)
- F1(2)
- F1(2A)
- F1(3)
- F2(4)
- F2(5)
- F2(6)
- F2(7)
- F2(8)

Textual Amendments

- F1** S. 28(1)–(2A) repealed by [Water Act 1989](#) (c. 15, SIF 130), s. 190, **Sch. 27 Pt.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)
- F2** S. 28(3)–(8) repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15(1))

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

29 Fish rearing licences. E+W

- (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. E+W

[^{F3}A person shall be guilty of an offence if he introduces any fish or spawn of fish into an inland water[^{F4}in Wales], or has in his possession any fish or spawn of fish intending to introduce it into an inland water[^{F4}in Wales], unless he first obtains the written [^{F5}consent of the appropriate agency or the inland water][^{F6}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.

^{F7}]]

Textual Amendments

- F3** S. 30 repealed (W.) (20.1.2015) by [The Keeping and Introduction of Fish \(Wales\) Regulations 2014 \(No. 3303\)](#), regs. 1(2), **18** (with reg. 3)
- F4** Words in s. 30 inserted (19.1.2015) by [The Keeping and Introduction of Fish \(England and River Esk Catchment Area\) Regulations 2015 \(S.I. 2015/10\)](#), regs. 1(1)(b), **18(1)** (with reg. 3)
- F5** Words in s. 30 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 142** (with Sch. 7)
- 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)**
- F7** S. 30: paragraph defining “fish farm” repealed and superseded (1.1.1999) by [1995 c. 25, ss. 105, 120\(3\), Sch. 15 para. 17, Sch. 24](#) (with ss. 7(6), 115, 117); [S.I. 1995/1983, art. 4](#)

Powers of water bailiffs etc.

31 Powers of search etc. E+W

- (1) Any [^{F8}water bailiff appointed by the appropriate agency and] any person appointed by the Minister—
 - (a) may examine any dam, fishing weir, fishing mill dam, fixed engine or obstruction, or any artificial watercourse, and for that purpose enter on any land;
 - (b) may examine any instrument or bait which he has reasonable cause to suspect of having been or being used or likely to be used in taking fish ^{F9}... or any container which he has reasonable cause to suspect of having been or being used or likely to be used for holding any such instrument, bait or fish;
 - (c) may stop and search any boat or other vessel used in [^{F10}fishing in the appropriate agency’s area] or any vessel or vehicle which he has reasonable cause to suspect of containing—
 - (i) fish ^{F11} ...;
 - (ii) any such instrument, bait or container as aforesaid;

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

- (d) may seize any fish^{F12} (or a sample of any fish)] and any instrument, vessel, vehicle or other thing liable to be forfeited in pursuance of this Act.
 - ^{F13}(e) may disable or destroy any dam, fishing weir, fishing mill dam or fixed engine which he has reasonable cause to suspect of having operated or been used, or of being likely to be used, in contravention of this Act.]
- (2) If any person refuses to allow a water bailiff or a person appointed by the Minister to make any entry, search or examination which he is by this section authorised to make, or to seize anything which he is so authorised to seize, or resists or obstructs a water bailiff or person so appointed in any such entry, search, examination or seizure, he shall be guilty of an offence.

Textual Amendments

- F8** Words in s. 31(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 143(2)** (with Sch. 7)
- F9** Words in s. 31(1)(b) repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 220(2)(a), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 12, 27(b)
- F10** Words in s. 31(1)(c) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 143(3)** (with Sch. 7)
- F11** Words in s. 31(1)(c)(i) repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 220(2)(b), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 12, 27(b)
- F12** Words in s. 31(1)(d) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 220(2)(c)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 12
- F13** S. 31(1)(e) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 220(2)(d)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 12

Modifications etc. (not altering text)

- C1** S. 31(1) extended (30.6.1999) by [S.I. 1999/1746](#), **arts. 1(1)**, 8(1) (with art. 2)
- C2** By [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), **ss. 32(6)(a)**, 43(4) it is provided that s. 31(1)(b)(c) is amended (E.W. and as mentioned in the said s. 43(4) (border rivers))
- C3** S. 31(2) excluded (30.6.1999) by [S.I. 1999/1746](#), **arts. 1(1)**, 8(9) (with art. 2); [S.I. 1998/3178](#), **art. 3**

32 Power to enter lands. **E+W**

- (1) Subject to ^{F14}subsections (1A) and] (2) below,—
- (a) any water bailiff or other officer of ^{F15}the appropriate agency, under a special order in writing from that agency, and]
 - (b) any person appointed by the Minister, under an order in writing from him, may at all reasonable times, for the purpose of preventing any offence against this Act, enter, remain upon and traverse any lands adjoining or near to ^{F16}waters within a water authority area]^{F16}any waters] other than—
 - (i) a dwelling-house or the curtilage of a dwelling-house, ^{F17}...
 - ^{F17}(ii)

^{F18}(1A) The appropriate agency may make an order under subsection (1)(a) for the purpose of preventing any offence being committed in its area.]

- (2) An order under subsection (1) above shall not remain in force for more than 12 months.

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

Textual Amendments

- F14** Words in s. 32(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 144\(2\)\(a\)](#) (with Sch. 7)
- F15** Words in s. 32(1)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 144\(2\)\(b\)](#) (with Sch. 7)
- F16** Words “any waters” substituted for “waters within a water authority area” (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 141, [Sch. 17 para. 7\(1\)\(8\)](#) (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)
- F17** S. 32(1)(ii) repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 220(3), 324(3), [Sch. 22 Pt. 5\(B\)](#); S.I. 2009/3345, art. 2, Sch. paras. 12, 27(b)
- F18** S. 32(1A) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 144\(3\)](#) (with Sch. 7)

Modifications etc. (not altering text)

- C4** S. 32 extended (30.6.1999) by S.I. 1999/1746, [arts. 1\(1\)](#), 8(1) (with art. 2); S.I. 1998/3178, [art. 3](#)

33 Orders and warrants to enter suspected premises. **E+W**

- (1) Where from a statement on oath of a water bailiff or any other [^{F19}officer of the appropriate agency, or any person] appointed by the Minister, it appears to any justice of the peace that the person making the statement has good reason to suspect that any offence against this Act is being or is likely to be committed on any land situate on or near to any waters, the justice may by order under his hand authorise him, during a period not exceeding 24 hours to be specified in the order, to enter upon and remain on the land during any hours of the day or night for the purpose of detecting the persons committing the offence.
- (2) Any justice of the peace upon an information on oath that there is probable cause to suspect any offence against this Act to have been committed on any premises, or [^{F20}or an offence against this Act to have been committed in the taking of any fish], or any illegal nets or other instruments to be on any premises, by warrant under his hand and seal may authorise any water bailiff or other [^{F21}officer of the appropriate agency, or any person] appointed by the Minister, or any constable, to enter the premises for the purposes of detecting the offence or the fish, nets or other instruments, at such times of the day or night as are mentioned in the warrant, and to
- [^{F22}(a) seize any illegal net or other instrument, or any net or other instrument suspected to have been illegally used, that may be found on the premises;
- (b) seize any fish suspected to have been illegally taken or sold that may be found on the premises; or
- (c) disable or destroy any dam, fishing weir, fishing mill dam or fixed engine suspected to have operated or been used illegally that may be found on the premises.]
- (3) A warrant under subsection (2) above shall not continue in force for more than [^{F23}three months].

Textual Amendments

- F19** Words in s. 33(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 145](#) (with Sch. 7)

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

- F20** Words in s. 33(2) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 12**; S.I. 2009/3345, art. 2, Sch. para. 15(d)
- F21** Words in s. 33(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 145** (with Sch. 7)
- F22** S. 33(2)(a)-(c) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 220(4)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 12
- F23** Words in s. 33(3) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 220(5)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 12

Modifications etc. (not altering text)

- C5** S. 33 extended (30.6.1999) by S.I. 1999/1746, **arts. 1(1)**, 8(1) (with art. 2); S.I. 1998/3178, **art. 3**
- C6** By **Salmon Act 1986** (c. 62, SIF 52:2), **ss. 32(6)(b)**, 43(4) it is provided that s. 33(2) is amended (E.W. and as mentioned in the said s. 43(4) (border rivers))

34 Power to apprehend persons fishing illegally ^{F24} **E+W**

If any person, ^{F25} ..., [^{F26} takes or kills any fish where the taking or killing constitutes an offence under this Act, or is found on or near any waters with intent to take or kill any fish where the taking or killing would constitute an offence under this Act, or having an instrument prohibited by this Act in his possession for the capture of any fish, where the capture would constitute an offence under this Act], a water bailiff or a person appointed by the Minister, with any assistants, may seize him without warrant and put him as soon as may be into the custody of a police officer.

Textual Amendments

- F24** Words in heading repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(6)(a), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 12, 27(b)
- F25** Words in s. 34 repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(6)(b), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 12, 27(b)
- F26** Words in s. 34 substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 13**; S.I. 2009/3345, art. 2, Sch. para. 15(d)

Modifications etc. (not altering text)

- C7** S. 34 extended (30.6.1999) by S.I. 1999/1746, **arts. 1(1)**, 8(1) (with art. 2); S.I. 1998/3178, **art. 3**

35 Power to require production of fishing licences. **E+W**

(1) [^{F27}A water bailiff or other officer of the agency, or any constable], may require any person who is fishing, or whom he reasonably suspects of [^{F28} intending to] fish or [^{F29} of having recently] fished [^{F30} in a water authority area][^{F30} in any area],[^{F31} in circumstances where the fishing would require a licence or authorisation under this Act or a licence under section 16 of the Wildlife and Countryside Act 1981,] to produce his licence or other authority to fish and to state his name and address.

[^{F32}(1A) Without prejudice to subsection (1) above, a water bailiff or other officer of the [^{F33}appropriate agency] who on any occasion finds a person who he has reason to believe is committing, or has on that occasion committed, a fixed penalty offence, within the meaning of section 37A below, may require that person to state his name and address.]

^{F34}(2)

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

(3) If any person required to produce his fishing licence or other authority or to state his name and address fails to do so, he shall be guilty of an offence; but if within seven days after the production of his licence was so required he produces the licence or other authority at [^{F35}the office of the water authority][^{F35}the appropriate office of [^{F36}the [^{F33}appropriate agency]]] he shall not be convicted of an offence under this section for failing to produce it.

[^{F37}(4) In subsection (3) above, “ the appropriate office of the [^{F33}appropriate agency] ” means

- (a) in a case where the person requiring the production of the licence or other authority specifies a particular office of the [^{F33}appropriate agency] for its production, that office; and
- (b) in any other case, any office of the [^{F33}appropriate agency];

and for the purposes of that subsection where a licence or other authority which any person has been required to produce is sent by post to an office of the [^{F33}appropriate agency] that licence or other authority shall be treated as produced by that person at that office.]

Textual Amendments

- F27** Words in s. 35(1) substituted (1.4.1996) by 1995 c. 25, s. 104(2) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3
- F28** Words in s. 35(1) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(7)(a), 324(3); S.I. 2009/3345, art. 2, Sch. para. 12
- F29** Words in s. 35(1) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(7)(b), 324(3); S.I. 2009/3345, art. 2, Sch. para. 12
- F30** Words “in any area” substituted for “in a water authority area” (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 141, Sch. 17 para. 7(1)(9)(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)
- F31** Words in s. 35(1) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(7)(c), 324(3); S.I. 2009/3345, art. 2, Sch. para. 12
- F32** S. 35(1A) inserted (1.4.1996) by 1995 c. 25, s. 104(3) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3
- F33** Words in s. 35 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), Sch. 2 para. 146 (with Sch. 7)
- F34** S. 35(2) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 220(8), 324(3), Sch. 22 Pt. 5(B); S.I. 2009/3345, art. 2, Sch. paras. 12, 27(b)
- F35** Words “the appropriate office of the National Rivers Authority” substituted for “the office of the water authority” (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 141, Sch. 17 para. 7(1)(9)(c) (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)
- F36** Words in s. 35(3) substituted (1.4.1996) by 1995 c. 25, s. 105, Sch. 15 para. 18(1) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3
- F37** S. 35(4) substituted (1.4.1996) by 1995 c. 25, s. 105, Sch. 15 para. 18(2) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

Modifications etc. (not altering text)

- C8** S. 35 excluded (30.6.1999) by S.I. 1999/1746, arts. 1(1), 8(9) (with art. 2); S.I. 1998/3178, art. 3

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

36 Provisions supplementary to sections 31 to 35. **E+W**

- (1) A water bailiff and a person appointed by the Minister shall be deemed to be a constable for the purpose of the enforcement of this Act, or any order or byelaw under it, and to have all the same powers and privileges, and be subject to the same liabilities as a constable duly appointed has or is subject to by virtue of the common law or of any statute.
- (2) The production by a water bailiff or a person appointed by the Minister of evidence of his appointment shall be a sufficient warrant for him exercising the powers conferred on him by this Act.
- (3) A police constable whose services are provided under paragraph 39(1)(c) of Schedule 3 below shall have all the powers and privileges of a water bailiff.

Modifications etc. (not altering text)

- C9** S. 36 extended (30.6.1999) by S.I. 1999/1746, arts. 1(1), 8(1) (with art. 2); S.I. 1998/3178, art. 3
- C10** By Salmon Act 1986 (c. 62, SIF 52:2), ss. 32(6)(b), 43(4) it is provided that s. 36(1) is amended (E.W. and as mentioned in the said s. 43(4) (border rivers))

Offences

37 Prosecution etc. of offences. **E+W**

Parts I and II of Schedule 4 to this Act shall have effect with regard to the prosecution and punishment of offences against this Act and the procedure on such prosecutions.

^{F38}[37A Fixed penalty notices for certain offences. **E+W**

- (1) Where on any occasion a water bailiff or other officer of the [^{F39}appropriate agency] finds a person who he has reason to believe is committing, or has on that occasion committed, a fixed penalty offence, he may give to that person a notice (in this section referred to as a “fixed penalty notice”) offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (2) Where a person is given a fixed penalty notice in respect of a fixed penalty offence—
 - (a) no proceedings shall be instituted for that offence before the expiration of the period for paying the fixed penalty; and
 - (b) he shall not be convicted of that offence if the fixed penalty is paid before the expiration of that period.
- (3) The [^{F39}appropriate agency] may extend the period for paying the fixed penalty in any particular case if it considers it appropriate to do so in all the circumstances of the case.
- (4) If, in any particular case, the [^{F39}appropriate agency] considers that a fixed penalty notice which has been given ought not to have been given, it may give to the person to whom the fixed penalty notice was given a notice withdrawing the fixed penalty notice; and where notice under this subsection is given—
 - (a) the [^{F39}appropriate agency] shall repay any amount which has been paid by way of fixed penalty in pursuance of the fixed penalty notice; and

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

- (b) no proceedings shall be instituted or continued against that person for the offence in question.
- (5) The amount by which the sums received by the Agency by way of fixed penalties exceed the sums repaid by it under subsection (4)(a) above shall be paid into the Consolidated Fund.
- ^{F40} [The amount by which the sums received by the Natural Resources Body for Wales (5A) by way of fixed penalties exceed the sums repaid by it under subsection (4)(a) above shall be paid into the Welsh Consolidated Fund.]
- (6) In any proceedings, a certificate purporting to be signed by or on behalf of the Chief Executive of the [^{F39}appropriate agency] and stating either—
- (a) that payment of a fixed penalty was, or (as the case may be) was not, received by the [^{F39}appropriate agency] on or before a date specified in the certificate, or
 - (b) that an envelope containing an amount sent by post in payment of a fixed penalty was marked as posted on a date specified in the certificate,
- shall be received as evidence of the matters so stated and shall be treated, without further proof, as being so signed unless the contrary is shown.
- (7) A fixed penalty notice shall give such reasonable particulars of the circumstances alleged to constitute the fixed penalty offence to which the notice relates as are necessary for giving reasonable information of the offence and shall state—
- (a) the monetary amount of the fixed penalty which may be paid;
 - (b) the person to whom and the address at which—
 - (i) the fixed penalty may be paid, and
 - (ii) any correspondence relating to the fixed penalty notice may be sent;
 - (c) the method or methods by which payment of the fixed penalty may be made;
 - (d) the period for paying the fixed penalty;
 - (e) the consequences of the fixed penalty not being paid before the expiration of that period.
- (8) A fixed penalty notice may also contain such other information relating to, or for the purpose of facilitating, the administration of the fixed penalty system as the [^{F39}appropriate agency] considers necessary or desirable.
- (9) Regulations may—
- (a) make provision with respect to the giving of fixed penalty notices, including, in particular, provision with respect to—
 - (i) the methods by which,
 - (ii) the officers, servants or agents by, to or on whom, and
 - (iii) the places at which,
 fixed penalty notices may be given by, or served on behalf of, a water bailiff or other officer of the [^{F39}appropriate agency];
 - (b) prescribe the method or methods by which fixed penalties may be paid;
 - (c) make provision for or with respect to the issue of prescribed documents to persons to whom fixed penalty notices are or have been given.
- (10) In this section—
- “ fixed penalty ” means a penalty of such amount as may be prescribed (whether by being specified in, or made calculable under, regulations);

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

“ fixed penalty offence ” means, subject to subsection (11) below, any offence—

- (a) under this Act,
- (b) under the ^{M1}Salmon Act 1986,
- (c) under or by virtue of regulations or orders made under section 115, 116 or 142 of the ^{M2}Water Resources Act 1991, or
- (d) under section 211(3) of that Act, so far as relating to byelaws made by virtue of paragraph 6 of Schedule 25 to that Act,

which is for the time being prescribed for the purpose;

“ the fixed penalty system ” means the system implementing this section and regulations made under it;

“ the Ministers ” means the Secretary of State and the Minister;

“ notice ” means notice in writing;

“ the period for paying ”, in relation to any fixed penalty, means such period as may be prescribed for the purpose;

“ prescribed ” means prescribed by regulations;

“ regulations ” means regulations made under this section by the Ministers.

- (11) The provision that may be made by regulations prescribing fixed penalty offences includes provision for an offence to be a fixed penalty offence—
- (a) only if it is committed in such circumstances or manner as may be prescribed; or
 - (b) except if it is committed in such circumstances or manner as may be prescribed.
- (12) Regulations may provide for any offence which is a fixed penalty offence to cease to be such an offence.
- (13) An offence which, in consequence of regulations made by virtue of subsection (12) above, has ceased to be a fixed penalty offence shall be eligible to be prescribed as such an offence again.
- (14) Regulations may—
- (a) make different provision in relation to different cases or classes of case; or
 - (b) provide for such exceptions, limitations and conditions, or make such incidental, supplemental, consequential or transitional provision, as the Ministers consider necessary or expedient.
- (15) Any power to make regulations under this section shall be exercisable by statutory instrument made by the Ministers; and a statutory instrument containing any such regulations shall be subject to annulment pursuant to a resolution of either House of Parliament.]

Textual Amendments

- F38** S. 37A inserted (1.4.1996) by 1995 c. 25, s. 104(1) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3
- F39** Words in s. 37A substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), Sch. 2 para. 147(2) (with Sch. 7)
- F40** S. 37A(5A) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), Sch. 2 para. 147(3) (with Sch. 7)

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

Modifications etc. (not altering text)

C11 S. 37A functions transferred (W.) (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **15(1)**

Marginal Citations

M1 1986 c. 62.

M2 1991 c. 57.

Changes to legislation:

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