



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART IV

FISHING LICENCES^[F1] AND AUTHORISATIONS]

26 Limitation of fishing licences.

- (1) ^[F1] Subject to this^[F2] section, the appropriate agency may^[F3] in relation to any such area or areas as are specified in the order, by order confirmed by ^[F3] the appropriate national authority]—
- (a) limit for a period not exceeding ten years from the coming into operation of the order the number of fishing licences ^[F4] of any description to be issued pursuant to section 25 above in any year in relation to that area or those areas]; and
 - (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.

^[F5](1A) The ^[F6] appropriate 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 ^[F6] appropriate 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 ^[F7] the appropriate national authority] proposes to confirm an order under this section, ^[F8] that authority]^[F9] shall require the appropriate agency to publish] the order and notice of ^[F10] that authority's] intention to confirm it in such manner as ^[F8] that

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- authority] may require, together with a notification that within a period specified in the requirement written objections to the order may be made to [F11 that authority].
- (3) [F12 The appropriate national authority] shall consider any such objections received by [F13 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;
- [F14 that authority] [F15 may cause] a local inquiry to be held before confirming the order.
- [F16(4) If it appears to the [F17 appropriate 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 [F17 appropriate agency] may pay that person such amount by way of compensation as it considers appropriate.]
- (6) [F18 The appropriate national authority] may with the [F19 consent of the appropriate agency vary] an order submitted to [F20 that authority] under this section before confirming it and may [F21 require the appropriate agency to publish] the terms of the proposed variation in such manner, if any, as [F22 that authority] may specify in the requirement.
- (7) An order under this section may be revoked by [F23 the appropriate national authority], or by an order [F24 made by the appropriate agency and] confirmed by [F25 that authority].
- [F26(8) Any order limiting the number of licences in force in a water authority area under section 62 of the ^{M1} 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

- F1** 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
- F2** Words in s. 26(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 140(2)** (with Sch. 7)
- F3** 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
- F4** 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
- F5** 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
- F6** Words in s. 26(1A)(1B) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 140(3)** (with Sch. 7)
- F7** 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
- F8** 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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- F9** Words in s. 26(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 140(4)** (with Sch. 7)
- F10** 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
- F11** 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
- F12** 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
- F13** 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
- F14** 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
- F15** 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
- F16** 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
- F17** Words in s. 26(4) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 140(5)** (with Sch. 7)
- F18** 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
- F19** Words in s. 26(6) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 140(6)(a)** (with Sch. 7)
- F20** 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
- F21** Words in s. 26(6) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 140(6)(b)** (with Sch. 7)
- F22** 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
- F23** 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
- F24** Words in s. 26(7) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 140(7)** (with Sch. 7)
- F25** 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
- F26** 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

- M1** 1923 c. 16.

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