

SCHEDULES

SCHEDULE 26

TRANSITIONAL PROVISIONS AND SAVINGS

PART VI

FISHERIES

- 40 (1) Subject to the following provisions of this paragraph, any byelaw or appointment made, permission given, licence granted or other thing done by a water authority which—
- (a) is made, given, granted or done under any enactment or subordinate legislation which relates to the functions of the authority relating to fisheries; and
 - (b) is in force or effective immediately before the transfer date,
- shall have effect on and after that date as if it were made, given, granted or done by the Authority.
- (2) On and after the transfer date an advisory committee established by a water authority under paragraph (b) of subsection (1) of section 28 of the Salmon and Freshwater Fisheries Act 1975 (general powers and duties) shall be treated as if it had been established by the Authority, and the area by reference to which that committee was established had been determined by the Authority, in accordance with section 141 of this Act.
- (3) Where an application for an order under subsection (3) of section 28 of the Salmon and Freshwater Fisheries Act 1975 has been made before the transfer date and no order has been made on that application before that date, then on and after that date—
- (a) that application shall be treated for the purposes of that subsection as if it had been made by the Authority; and
 - (b) the requirements of paragraph 7 of Schedule 3 to that Act shall be deemed to have been complied with in relation to that application if the provisions of that paragraph, as it had effect before the transfer date, had been complied with before that date;
- and nothing in paragraph 7(7) or (14) of Schedule 17 to this Act shall affect the validity or effect of any order under that subsection which is in force immediately before the transfer date.
- (4) Nothing in this Act shall be construed as preventing so much of any order under section 28(3) of the Salmon and Freshwater Fisheries Act 1975 or of any licence under Part I of Schedule 3 to that Act as—
- (a) is in force immediately before the transfer date; and
 - (b) has the effect for the purposes of section 6 of that Act (prohibition on placing and use of unauthorised fixed engines) of authorising the placing or use of any fixed engine,

Status: This is the original version (as it was originally enacted).

from continuing to have that effect on and after that date.