



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 7

#### FISHERIES

### CHAPTER 3

#### MIGRATORY AND FRESHWATER FISH

##### *Taking fish etc*

#### **223 Definitions relating to fish**

- (1) In section 41 of the Salmon and Freshwater Fisheries Act 1975 (interpretation), subsection (1) is amended as follows.
- (2) For the definition of “eels” substitute—

““eels” means any fish of the species *Anguilla anguilla*, and includes elvers and the fry of eels;”.
- (3) After that definition insert—

““fish” includes crustaceans and molluscs;”.
- (4) After the definition of “foreshore” insert—

““freshwater crayfish” means any freshwater decapod crustacean of the Families Astacidae, Cambaridae or Parastacidae;”.
- (5) For the definition of “freshwater fish” substitute—

““freshwater fish” means any fish habitually living in fresh water, exclusive of—

---

**Changes to legislation:** *Marine and Coastal Access Act 2009, Section 223 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) salmon, trout, eels, lampreys, smelt and any other fish of a kind which migrates from fresh to salt water, or from salt to fresh water, in order to spawn;
  - (b) any kind of crustacean other than freshwater crayfish and Chinese mitten crabs (*Eriocheir sinensis*); and
  - (c) any kind of mollusc;”.
- (6) After the definition of “screen” insert—
- ““smelt” means any fish of the species *Osmerus eperlanus*;”.

---

#### Commencement Information

- I1** S. 223(1) in force at 12.1.2010 for specified purposes by S.I. 2009/3345, art. 2, **Sch. para. 13**
- I2** S. 223(1) in force at 1.1.2011 in so far as not already in force by S.I. 2010/298, art. 2, **Sch. para. 13**
- I3** S. 223(2)(6) in force at 12.1.2010 by S.I. 2009/3345, art. 2, **Sch. para. 13**
- I4** S. 223(3)-(5) in force at 1.1.2011 by S.I. 2010/298, art. 2, **Sch. para. 13**

**Changes to legislation:**

Marine and Coastal Access Act 2009, Section 223 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)