

SCHEDULES

SCHEDULE 2

LICENCES

Net etc. licences for salmon and trout fishing

- [^{X1}9] A person shall be treated for the purposes of section 25(3) above as the duly authorised servant or agent of the holder of a licence to use an instrument of any description only in the following cases—
- (a) in an area in which there is in force an order under section 26 above limiting the number of licences for fishing with instruments of that description, if his name and address are entered on the licence in accordance with the following provisions of this Schedule and he is not the holder of another licence to use an instrument of that description in that area;
 - (b) in any other area, if his name and address are so entered or when using the instrument to which the licence relates he is accompanied by the licensee; or
 - (c) in the case of any area, if the water authority direct that owing to special circumstances he is to be so treated.]

Editorial Information

- X1** Sch. 2 para. 9 beginning “A person who uses” substituted for para. 9 beginning “A person shall be treated” (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. 36(1), 43(4)**

- [^{F1}9] (1) A person who uses [^{F2} any licensable means of fishing] for fishing in an area in relation to which an order under section 26 above limiting the number of licences for fishing [^{F3} by that means] is in force shall not be treated for the purposes of section 25(3) above as the duly authorised servant or agent of any holder of a licence to use [^{F4} that means of fishing] unless, at the time that person uses [^{F5} that means of fishing]—
- (a) his name and address are entered on the licence in accordance with the following provisions of this Schedule; and
 - (b) he is not himself the holder of a licence to use [^{F6} that means of fishing] in that area; and
 - (c) he is accompanied by the licensee or has the [^{F7} consent of the appropriate agency to] his use of [^{F8} that means of fishing] in the absence of the licensee.
- (2) A person who uses [^{F9} any licensable means of fishing] for fishing in an area in which no such order as is mentioned in sub-paragraph (1) above is in force shall not be treated for the purposes of section 25(3) above as the duly authorised servant or

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Cross Heading: Net etc. licences for salmon and trout fishing. (See end of Document for details)

agent of any holder of a licence to use [^{F10} that means of fishing] unless, at the time that person uses [^{F11} that means of fishing]—

- (a) his name and address are entered on the licence in accordance with the following provisions of this Schedule; or
- (b) he is accompanied by the licensee; or
- (c) he has the [^{F12}consent of the appropriate agency to] his use of [^{F13} that means of fishing] otherwise than where there is compliance with paragraph (a) or (b) above.

(3) [^{F14}The consent of the appropriate agency] shall not be given under this paragraph except—

- (a) in the case of a consent for the purposes of subparagraph (1)(c) above, in relation to a period which [^{F15}appears to the appropriate agency to be] a period throughout which the licensee will be unable through illness or injury to accompany his servant or agent;
- (b) in the case of a consent for the purposes of subparagraph (2)(c) above, where the giving of the consent [^{F16}appears to the appropriate agency to be] required by the special circumstances of the case.]

Textual Amendments

- F1** Sch. 2 para. 9 beginning “A person who uses” substituted for para. 9 beginning “A person shall be treated” (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. 36\(1\)](#), 43(4)
- F2** Words in Sch. 2 para. 9(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(i\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F3** Words in Sch. 2 para. 9(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(ii\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F4** Words in Sch. 2 para. 9(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(iii\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F5** Words in Sch. 2 para. 9(1) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(iv\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F6** Words in Sch. 2 para. 9(1)(b) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(v\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F7** Words in Sch. 2 para. 9(1)(c) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(8\)\(a\)](#) (with Sch. 7)
- F8** Words in Sch. 2 para. 9(1)(c) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(a\)\(vi\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F9** Words in Sch. 2 para. 9(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(b\)\(i\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F10** Words in Sch. 2 para. 9(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(b\)\(ii\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F11** Words in Sch. 2 para. 9(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(b\)\(iii\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F12** Words in Sch. 2 para. 9(2)(c) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(8\)\(a\)](#) (with Sch. 7)
- F13** Words in Sch. 2 para. 9(2)(c) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c.23\)](#), s. 324(3), [Sch. 16 para. 16\(8\)\(b\)\(iv\)](#); S.I. 2010/298, art. 2, [Sch. para. 13](#)
- F14** Words in Sch. 2 para. 9(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 150\(8\)\(b\)\(i\)](#) (with Sch. 7)

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Cross Heading: Net etc. licences for salmon and trout fishing. (See end of Document for details)

- F15** Words in Sch. 2 para. 9(3)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(8)(b)(ii)** (with Sch. 7)
- F16** Words in Sch. 2 para. 9(3)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(8)(b)(ii)** (with Sch. 7)

10 The name and address of a servant or agent may be entered on^{F17} or removed from] a licence by an [^{F18}employee of the appropriate agency authorised] to do so or by the licensee or an agent who has been appointed by the licensee to act for the purposes of this paragraph and whose appointment, together with his name and address, has been notified to [^{F19}the appropriate agency].

Textual Amendments

- F17** Words in Sch. 2 para. 10 inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 16 para. 16(9)**; S.I. 2009/3345, art. 2, Sch. para. 15(g)
- F18** Words in Sch. 2 para. 10 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(9)(a)** (with Sch. 7)
- F19** Words in Sch. 2 para. 10 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(9)(b)** (with Sch. 7)

11 The date of entry in the licence shall be stated in the licence at the time of the making of the entry, and within twenty-four hours of the making of an entry by a licensee or his agent a copy shall be sent to [^{F20}the appropriate agency],^{F21}

Textual Amendments

- F20** Words in Sch. 2 para. 11 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(10)** (with Sch. 7)
- F21** Words in Sch. 2 para. 11 repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 217(6)(a), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, **Sch. para. 27(b)**

^{F22}12

Textual Amendments

- F22** Sch. 2 para. 12 repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 217(6)(b), 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. para. 27(b)

13 The number of servants or agents whose names may at any time be entered on a licence shall not exceed twice the number of persons who in the [^{F23}opinion of the appropriate agency are required] to work at one time [^{F24} the means of fishing] to which the licence relates or, where the applicant for the licence [^{F25}notifies the appropriate agency at the time] of the application that he proposes to take part in working [^{F24} the means of fishing], one less than twice that number.

Textual Amendments

- F23** Words in Sch. 2 para. 13 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 150(11)(a)** (with Sch. 7)

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Cross Heading: Net etc. licences for salmon and trout fishing. (See end of Document for details)

F24 Words in Sch. 2 para. 13 substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 16(10)**; S.I. 2010/298, art. 2, Sch. para. 13

F25 Words in Sch. 2 para. 13 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 150(11)(b)** (with Sch. 7)

- 14 Any person who, with intent to deceive, enters on a licence more names than are permitted by paragraph 13 above or states falsely the date of entry in a licence is guilty of an offence.

Changes to legislation:

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Cross Heading: Net etc. licences for salmon and trout fishing.