



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART I

PROHIBITION OF CERTAIN MODES OF TAKING OR DESTROYING FISH, ETC.

5 Prohibition of use of explosives, poisons or electrical devices and of destruction of dams etc.

- (1) Subject to [^{F1} subsections (2) and (2A)] below, no person shall use in or near any waters (including waters adjoining the coast of England and Wales [^{F2}to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured] any explosive substance, any poison or other noxious substance, or any electrical device, with intent thereby to take or destroy fish.
- (2) Subsection (1) above shall not apply to the use by a person of any substance or device—
 - (a) for a scientific purpose, or for the purpose of protecting, improving or replacing stocks of fish; and
 - (b) with the permission in writing [^{F3}of the appropriate agency, for which that agency may][^{F4}charge a fee]^{F5} . . . ;

^{F6} . . .

[^{F7}(2A) Subsection (1) above shall not apply to anything done pursuant to an authorisation granted by the [^{F8}appropriate agency] under section 27A below.]

- (3) No person shall, without lawful excuse, destroy or damage any dam, flood-gate or sluice with intent thereby to take or destroy fish.
- (4) A person who contravenes subsection (1) or (3) above or who, for the purpose of contravening subsection (1) above, has in his possession any explosive or noxious substance or any electrical device, shall be guilty of an offence.
- (5) The use of any substance in any waters for a purpose falling within paragraph (a) of subsection (2) above, and with the permission mentioned in paragraph (b) of that subsection, shall not constitute an offence under—

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 5. (See end of Document for details)

- (a) section 4 above;
- (b) any byelaws made under paragraph 31 of Schedule 3 below;
- [^{F9}(c) regulation 38(1) of]^{F10}the Environmental Permitting (England and Wales) Regulations 2016] ;
- (d) section 22(1)(a) of the ^{M1}Rivers (Prevention of Pollution) (Scotland) Act 1951.

^{F11}(6)

Textual Amendments

- F1** Words in s. 5(1) substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 3(2)**; S.I. 2010/298, art. 2, Sch. para. 13
- F2** Words substituted by Fishery Limits Act 1976 (c. 86), **Sch. 2 para. 20**
- F3** Words in s. 5(2)(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 130(2)** (with Sch. 7)
- F4** Words in s. 5(2)(b) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 3(3)**; S.I. 2009/3345, art. 2, **Sch. para. 15(b)**
- F5** Words 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)
- F6** Words in s. 5(2) repealed (1.4.1996) by 1995 c. 25, ss. 105, 120(3), Sch. 15 para. 7, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** S. 5(2A) inserted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 3(4)**; S.I. 2010/298, art. 2, Sch. para. 13
- F8** Words in s. 5(2A) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 130(3)** (with Sch. 7)
- F9** S. 5(5)(c) substituted (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 4** (with reg. 1(2), Sch. 4)
- F10** Words in s. 5(5)(c) substituted (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 29 para. 4** (with regs. 1(3), 77-79, Sch. 4)
- F11** S. 5(6) 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)

Modifications etc. (not altering text)

- C1** S. 5(1) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 3**
- C2** S. 5(4) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 3**

Marginal Citations

- M1** 1951 c. 66.

Changes to legislation:

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 5.