CHAPTER xxxviii.

An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1907 relating to the River Conway and other waters. [2nd July 1915.]

A.D. 1915.

WHEREAS the Board of Agriculture and Fisheries have made the Provisional Order set forth in the schedule hereto under the provisions of the Salmon and Freshwater Fisheries Act 1907: 7 Edw. 7. c. 15.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Order as amended and set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Conway Fisheries Provisional Order Confirmation Act 1915. Short title.

A.D. 1915.

SCHEDULE.

RIVER CONWAY FISHERIES PROVISIONAL ORDER 1915.

THE Board of Agriculture and Fisheries by virtue and in exercise of the powers vested in them under the Salmon and Freshwater Fisheries Act 1907 with a view to the improvement and development of the salmon and freshwater fisheries in the area defined by this Order do make the following Provisional Order for the regulation of such fisheries in that area:—

DEFINITION OF FISHERY DISTRICT AND CONSTITUTION OF BOARD OF CONSERVATORS.

Definition of area affected by Order.

1.—(1) This Order applies to the area described in the First Schedule hereto and more particularly delineated on a map sealed by the Board of Agriculture and Fisheries in relation to this Order and to all salmon and freshwater fisheries therein and such area is herein-after referred to as "the Fishery District."

(2) A copy of the said map certified under the Documentary Evidence Acts 1868 to 1895 shall be kept by the Board of Conservators hereby constituted at the office of the clerk of that Board and be open at all reasonable times to inspection free of charge by any person desiring inspection for any bonâ fide purpose.

Constitution and incorporation of Board of Conservators.

2.—(1) For the purposes of this Order a Board of Conservators shall be constituted in manner hereinafter appearing as a body corporate under the name of the River Conway Fishery Board having perpetual succession and a common seal with power to make contracts and to sue and be sued in that name and such Board is in this Order referred to as "the Fishery Board."

(2) The Fishery Board shall consist of the following members:—

(A) One member appointed by the Council of each of the Administrative Counties of Carnarvon and Denbigh and one member appointed by the Council of the Borough of Conway:

(B) Ten members elected in manner provided by this Order by the persons who under this Order are entitled to vote for the election of members representative of private fisheries:

(C) Members representative of public fisheries within the Fishery District to be elected in the same numbers and under

the same rules as to election as representative members under sections 29 to 33 of the Salmon Fishery Act 1873 except that after the year nineteen hundred and fifteen the elections shall be triennial and the number of members to be elected shall be determined according to the average amount of licence duty paid in the year of election and the two preceding years:

(D) Members representative of the interests of persons fishing with rod and line for trout or char to be appointed by the Board of Agriculture and Fisheries Such members shall be appointed triennially and except in the case of an appointment to fill a vacancy caused by death or resignation shall come into office on the appointed day in each year The number of members to be so appointed shall (subject as hereinafter provided) be regulated by the average amount of licence duty paid for fishing with rod and line for trout or char in the year of election before the first day of December and in the two preceding years which amount shall if so required be certified to the Board of Agriculture and Fisheries by the clerk to the Fishery Board If the amount of licence duty so paid does not exceed one hundred pounds two members may be so appointed and if it exceeds that sum one additional member may be appointed for every additional fifty pounds so paid The number of such members to be first appointed shall be two:

(E) Any person who is entered in the register of assessments as an owner of a private fishery or private fisheries assessed for the purpose of fishery contributions under this Order at a total yearly value of fifty pounds or more shall subject to the provisions of this subsection be qualified and entitled to act as an additional member of the Fishery Board;

Where a person qualified to act as an additional member is an infant or a lunatic the guardian or committee of the estate as the case may be shall be entitled to act in the place of such person;

A person qualified to act as an additional member may nominate by power of attorney an agent to act for him as a member and an agent so nominated shall be entitled so to act until the power is duly determined A copy of every such nomination and notice of the determination of a nomination shall be sent as soon as may be by the owner making or determining the nomination to the

A.D. 1915.

clerk of the Fishery Board and an agent shall not be entitled to act until a copy of his nomination has been received by the clerk;

Where persons qualified to act as additional members are so entitled as joint tenants or tenants in common of a fishery or fisheries they shall act only by an agent nominated by them in manner hereinbefore provided who may be one of the persons by whom the nomination is made.

(3) Where an additional member is elected as a member representative of private fisheries he shall not be entitled to vote in each capacity on any question to be determined by the Fishery Board and for the purpose of a quorum shall be counted as one member This provision shall not affect a nomination by the additional member of an agent to act for him as an additional member.

Election of members representative of private fisheries.

3. The following rules shall be observed with respect to the election of members representative of private fisheries:—

(1) The electors shall be the owners of private fisheries assessed for the purposes of fishery contributions under this Order who on the first day of December in any year of election are entered in the register of assessments and have then paid the fishery contributions (if any) due from them:

(2) Each elector shall be entitled to vote according to the following scale:—

If the fishery or fisheries in respect of which he is entitled to vote is or are assessed for the purposes of this Order at the yearly value of five pounds or less one vote for each member to be elected;

If the assessment exceeds five pounds one vote for each such member in respect of each ten pounds:

Provided that this scale may from time to time be varied by an order of the Fishery Board approved by the Board of Agriculture and Fisheries:

(3) An elector may give all his votes to any one of the persons nominated or may distribute them among such of the persons nominated not exceeding the number to be elected as he shall think fit:

(4) The nomination and election shall be in accordance with the regulations set forth in the Second Schedule to this Order.

Term of office of elected members.

4. The term of office of an elected member of the Fishery Board shall be three years and on the appointed day in each third year the elected members shall go out of office and their places shall be filled

by the newly elected members Any member going out of office shall be eligible for re-election. A.D. 1915.

ASSESSMENTS AND FINANCIAL PROVISIONS.

Imposition collection and recovery of contributions assessed on private fisheries.

5. For defraying expenses incurred in carrying into effect this Order and the Salmon and Freshwater Fisheries Acts 1861 to 1892 or any Act amending the same the Fishery Board may impose collect and recover contributions to be paid by the owners of the whole of the fisheries in the Fishery District liable to be assessed and such contributions shall be apportioned on the several owners in proportion to the assessed value of their fisheries:

Provided that no order imposing a contribution shall be made at any meeting unless notice of an intention to impose a contribution at such meeting shall have been given in the notice convening the meeting which notice shall be issued one fortnight at least before the date of the meeting and unless there are nine members present at the meeting:

Provided also that except with the consent of the Board of Agriculture and Fisheries the Fishery Board shall not incur expenses or liabilities which would involve the imposition of a contribution in any financial year of more than five shillings in respect of every pound of the assessed value.

Fisheries liable to be assessed.

6. Except as herein-after provided the fisheries liable to be assessed shall be all private fisheries for salmon and trout or either of them in the Fishery District Provided that the Fishery Board may by order made in the manner hereby prescribed for making an order imposing a contribution exempt from assessment for such period not exceeding three years as is stated in the order the fisheries in any part of the Fishery District specified in the order or any fisheries of which the yearly value is less than the sum specified in the order Provided also that the fisheries in any waters in the Fishery District which form part of the water undertaking of a water authority shall while owned by the water authority be exempt from assessment unless and until revenue is derived from the fisheries by the water authority.

Yearly value for purposes of assessment.

7. The yearly value of a fishery shall be the rent at which the same might reasonably be expected to let from year to year free of all usual tenants' rates and taxes and tithe rentcharge (if any) and deducting therefrom the probable average annual cost of the repairs and other expenses (if any) necessary to maintain the fishery in a state to command such rent.

Assessment committee.

8.—(1) The Fishery Board shall appoint an assessment committee of not less than five members of the Board of whom three shall form a quorum and such committee shall cause the yearly value of every

A.D. 1915.

fishery which appears to them to be liable to be assessed to be determined either by written agreement with the owner thereof or in default of such agreement by a valuer who may on the application of the committee or of the owner be appointed by the Board of Agriculture and Fisheries The remuneration of the valuer shall be fixed by the last-mentioned Board and be paid to him on demand in equal shares by the Fishery Board and the owner.

(2) A clerk may be appointed by the assessment committee but in the absence of such appointment the clerk of the Fishery Board shall be the clerk of the committee.

(3) An assessment committee may provisionally assess the yearly value of a fishery at such amount as they think reasonable and notify such provisional assessment by registered post to the reputed owner of the fishery by a notice in the form set forth in the Third Schedule hereto If no objection to such provisional assessment is received by the clerk of the assessment committee within fourteen days after the date on which the notice was posted the yearly value of the fishery shall for the purposes of this Order be deemed to have been determined at the amount stated in the notice and the person to whom the notice was sent shall be entered in the register of assessments as the owner of the fishery.

(4) A member of an assessment committee shall not act as such in relation to a fishery if he is owner or occupier of the fishery or the agent of the owner or occupier.

Register of assessments.

9.—(1) The yearly value of a fishery when determined shall be entered by the clerk of the Fishery Board in the register of assessments with a description of the fishery and the name and address of the owner thereof The clerk of the Fishery Board may upon the application of any person claiming to be the owner of a fishery entered in such register and upon such evidence of ownership as appears to him to be sufficient insert the name and address of the applicant in the register as the owner of the fishery in the place of any person so entered as owner thereof.

(2) The register of assessments shall be kept at the office of the clerk of the Fishery Board and be open to inspection free of charge by any person bonâ fide claiming to be an owner of a fishery registered or liable to be registered therein or by the agent of the owner and this right of inspection shall include a right to make copies of entries in the register.

Recovery of contributions.

10.—(1) On the date determined by the Fishery Board every contribution shall be payable by the owners of the fisheries assessed to the collector appointed by the Fishery Board to receive the same Provided that if the collector is unable to ascertain the owner of any fishery or if the owner of a fishery makes default in paying the amount

due from him the amount may be recovered by the collector as a debt from the occupier of the fishery and the occupier shall subject to any agreement to the contrary be entitled to deduct from the rent of the fishery (if any) payable by him any sum so paid on behalf of the owner thereof or recover the same from the owner as a debt.

(2) Notice of demand for payment of a contribution in the form set forth in the Third Schedule to this Order shall be sent by post to the persons entered in the register of assessments as owners of fisheries and in any proceedings for the recovery of a contribution a certificate in the form set forth in such Schedule purporting to be signed by the clerk of the Fishery Board shall be sufficient evidence of the facts therein stated and unless the contrary is proved the person entered in the register of assessments as owner of a fishery shall for the purpose of any such proceedings be deemed to be the owner of the fishery.

Apportionment &c. of assessments.

11.—(1) The assessment committee shall on the application of any person claiming to be the owner of a fishery liable to be assessed under this Order proceed as soon as is practicable to—

(i) determine the yearly value of the fishery if it has not been determined either separately or in one assessment with another fishery; or

(ii) apportion the assessed yearly value between the fishery of the applicant and any other fishery included in the same assessment; or

(iii) re-determine the yearly value of the fishery.

(2) In the case of apportionment notice of the application shall be given to the owner of any other fishery included in the same assessment and the committee shall apportion the yearly value between the fisheries but the owner of any fishery may by notice in writing delivered or sent by post to the clerk of the Fishery Board within seven days after receipt of notification of the apportionment require the apportionment to be made by a valuer appointed by the Board of Agriculture and Fisheries and the apportionment shall thereupon be so made The remuneration of the valuer shall be fixed by the last-mentioned Board and be recoverable from the owners of the fisheries in such shares as correspond with the respective yearly values of those fisheries as so determined.

(3) The yearly value of a fishery may be re-determined from time to time without an application by the owner of a fishery No re-determination shall be made whether on the application of the owner or not until after the expiration of three years from the date of the previous determination except with the consent of the Fishery Board and the owner of the fishery unless by the making or revocation of a byelaw the yearly value thereof is increased or diminished.

A.D. 1915.

Powers of Fishery Board as to expenditure.

12. Subject to the provisions of this Order the Fishery Board may expend any moneys in their hands on any matter they may think conducive to the maintenance improvement or development of the fisheries within the Fishery District.

Borrowing powers.

13.—(1) Section 28 of the Salmon Fishery Act 1865 shall extend to mortgages of contributions authorised to be imposed under this Order.

(2) Notwithstanding anything in this Order the Fishery Board shall not under the powers conferred by the said Act or this Order borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Audit.

14.—(1) Subject as hereinafter provided accounts of the Fishery Board shall be balanced in each year to the thirty-first day of December and shall forthwith be audited by some person appointed by the Board of Agriculture and Fisheries whose remuneration shall be fixed by that Board and paid by the Fishery Board A copy of the audited accounts with the report (if any) of the auditor thereon shall as soon as possible be sent to the Board of Agriculture and Fisheries by the Fishery Board.

(2) The first audit shall extend to the accounts from the appointed day to the thirty-first day of December nineteen hundred and sixteen.

FIXED ENGINES.

Provisions enabling Fishery Board to set up fixed engines.

15.—(1) The Fishery Board may purchase or take on lease from any person able and willing to sell or lease the same any part of the foreshore lying within the Fishery District together with any easement over any adjoining land necessary for securing access to the foreshore so acquired and notwithstanding the provisions of section 11 of the Salmon Fishery Act 1861 or any provisions amending or extending such provisions may by themselves or their lessees erect on the foreshore so acquired and work such fixed engines for salmon as may be approved of by the Board of Agriculture and Fisheries subject to such conditions (if any) as may be attached by the said Board to their approval.

(2) A fixed engine shall not be worked under the authority of this provision for a period exceeding five years unless the authority is from time to time extended by licence of the Board of Agriculture and Fisheries or in that case for a period exceeding such term as may be specified in the licence.

(3) All rents and profits derived by the Fishery Board from the fixed engines by this provision authorised shall be appropriated for the purpose of securing the restriction or abolition of the use of nets or other obstructions to the passage of salmon situate within any part of the Fishery District other than the parts of the foreshore above mentioned.

RETURNS BY PERSONS TAKING FISH IN THE DISTRICT.

A.D. 1915.

Power for Board of Agriculture and Fisheries to require fishery returns.

16. The Board of Agriculture and Fisheries may as regards any specified kind of fish require returns to be made and sent to the Board by every person taking such fish within the Fishery District within one month after the receipt by such person of a form of return sent to him by the Board by registered post and if any person to whom such a form is so sent fail without lawful excuse to make and send to the Board a full and true return in the form so provided he shall be liable on summary conviction to a penalty not exceeding five pounds unless he proves to the satisfaction of the court that he did not receive the form of return so sent If any person in making a return shall require that the particulars comprised in his return shall not be disclosed the Board shall not disclose them except for the purposes of a prosecution under this provision or for determining the value of a fishery for the purposes of this Order and except that in compiling any report or summary of statistics the Board may include such particulars so arranged that no person will be able to identify any particulars so published as particulars relating to the person making the return or his business.

MODIFICATIONS IN RELATION TO FISHERIES IN THE FISHERY DISTRICT OF CERTAIN PROVISIONS OF THE SALMON AND FRESHWATER FISHERIES ACTS.

Modification of Salmon Fishery Act 1865 s. 27.

17. The powers conferred by the Salmon and Freshwater Fisheries Acts 1861 to 1892 on boards of conservators of purchasing fishing weirs fishing mill dams or fixed engines shall in relation to the Fishery Board extend to the purchase of any fishing weir fishing mill dam or fixed engine for the purpose of enabling the Fishery Board to work the same by themselves or their lessees where such purchase and working will in the opinion of the Fishery Board be for the benefit of fisheries within the Fishery District and the Fishery Board may for such purpose by agreement hire any fishing weir fishing mill dam or fixed engine or purchase or hire any fishery.

Modification of Salmon Fishery Act 1865 s. 34 (4).

18. There shall be paid for a general licence such sum as shall be agreed by the Fishery Board and the person entitled to the licence and be approved by the Board of Agriculture and Fisheries or as shall on the application of either party be determined by the Board of Agriculture and Fisheries having regard to the extent and productiveness of the fishery and to any conditions attached to the licence with respect to the nature of the instruments or devices to be used for catching fish or otherwise which shall be agreed upon by the said parties or in default of agreement be imposed by the Board of Agriculture and Fisheries.

A.D. 1915.

Modification of Salmon Fishery Act 1865 s. 34 (5).

19. The Fishery Board may by order confirmed by the Board of Agriculture and Fisheries limit the number of licences to be issued in any year for fishing for salmon in public or common waters within the Fishery District with any instrument or device specified in the order and provide where the applications exceed the number of licences that may be issued for the selection of the applicants to whom licences shall be issued Before confirming an order under this section the Board shall direct the order to be published in such manner as they think desirable by and at the expense of the Fishery Board and shall take into consideration any objections to the order which may be sent to the Board within the time prescribed by the notice of publication.

Duration of licences.

20. A scale of licence duties fixed by the Fishery Board may provide for licences available only for part of a year.

Additional powers of making bye-laws.

21.—(1) Subject to the provisions of this Order the Fishery Board in addition to any power conferred by the Salmon and Freshwater Fisheries Acts 1861 to 1892 may with a view to the improvement and development of the salmon and freshwater fisheries in the Fishery District make byelaws to be made confirmed and published in the same manner as byelaws authorised by section 39 of the Salmon Fishery Act 1873 for all or any of the following purposes :—

(i) To prohibit the use for taking salmon of nets or any specified kind of net in such waters within the Fishery District as may be defined by the byelaw ;

(ii) To prohibit or regulate fishing within such distance above or below any natural or artificial obstruction to the passage of salmon as may be prescribed by the byelaw ;

(iii) To prohibit or regulate the carrying in or attaching to a boat or vessel while being used in fishing for salmon of any net which is not licensed and has not attached thereto the mark label or number (if any) prescribed by a byelaw made by the Fishery Board ;

(iv) To determine the length size and description of nets and the manner of using the same (not being fixed engines) for taking salmon ;

(v) To extend the weekly close season to a period not exceeding sixty hours ;

(vi) To prohibit or regulate the use with rod and line of any lure bait or mode of fishing specified in the byelaw ;

(vii) To prohibit or regulate the use of a gaff or other instrument as auxiliary to angling with rod and line ;

(viii) To exempt any waters within the Fishery District from the operation of section 15 of the Salmon Fishery Act 1873

and to regulate the use of baskets nets traps and devices for catching eels lamperns or lampreys;

(ix) To exempt any specified kind of non-migratory trout (other than salmo fario) from the provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 which regulate the period during which it shall be illegal to take or kill trout and to prohibit fishing for catching or killing or attempting to catch or kill such exempted kind of trout between the dates specified in the byelaw;

(x) To prohibit the taking of any specified kind of fish of a less size than that specified in the byelaw;

(xi) To prohibit the introduction into any waters within the Fishery District with such exceptions as may be prescribed by the byelaw of any specified kind of fish;

(xii) To impose a penalty not exceeding five pounds for each offence against a byelaw;

and Part VII. and section 62 of the Salmon Fishery Act 1873 shall apply to any byelaw made under this provision.

(2) If at any time before the expiration of twelve months after the confirmation of any byelaw made by the Fishery Board under paragraph (i) of the preceding subsection the owner or occupier of any fishery within the Fishery District by notice in writing to the Board of Agriculture and Fisheries claim that such fishery is injuriously affected by such byelaw such claim shall be determined and the amount of compensation to be paid for the damage (if any) to such fishery shall be assessed by the Board of Agriculture and Fisheries unless the Fishery Board or the claimant within such time as the Board of Agriculture and Fisheries direct shall require in writing that such matters shall be determined by arbitration in which case they shall be determined by a single arbitrator appointed in default of agreement by that Board under and in accordance with the provisions of the Arbitration Act 1889 or any statutory modification of that Act The amount so assessed by way of an annual payment or otherwise shall be paid by the Fishery Board to the persons interested in the fishery in such manner as the Board of Agriculture and Fisheries or the arbitrator as the case may be shall direct.

Limit on licence duties removed.

22. The provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 which limit the amount of duty payable for a licence shall not apply within the Fishery District.

Definition of boundary between inland and tidal waters.

23. The Fishery Board may with the approval of the Board of Agriculture and Fisheries define for the purposes of subsection (12) of section 39 of the Salmon Fishery Act 1873 the boundary between inland and tidal waters.

A.D. 1915.

Special permits for taking fish for stocking &c.

24.—(1) The Fishery Board may by written permit authorise the use of any instrument specified in the permit for the purpose of taking fish for stocking or breeding purposes or for scientific purposes or for the destruction of any specified kind of fish and such permit may contain such conditions as the Fishery Board think fit and in such case any provision in the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order or any byelaw made by the Fishery Board penalising the use of such instrument or its use without a licence or the catching or killing of fish at particular times or places shall not apply to the use of the instrument by the person to whom the permit is granted for the purposes and subject to the conditions specified in the permit or to the catching or killing of fish by such use.

(2) A permit granted to a person under this provision shall not be construed as authorising him to fish in any waters in which he is not otherwise entitled to fish.

Removal of diseased fish.

25. The provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 relating to powers of water bailiffs shall in the case of a water bailiff appointed by the Fishery Board extend to the removal of diseased fish from any waters in the Fishery District and to the disposal of the same as the Fishery Board direct.

Modification of Salmon Fishery Act 1861 s. 26.

26. The Board of Agriculture and Fisheries may by written permit available for a period specified in the permit exempt any sluices from the provisions of section 26 of the Salmon Fishery Act 1861 as amended by section 53 of the Salmon Fishery Act 1873 on such conditions (if any) as may be specified in the permit.

Modification of law as to gratings.

27. Sections 58 and 60 of the Salmon Fishery Act 1873 shall apply within the Fishery District with the substitution of "salmon or trout" for "salmon" and as if the words "from the nature of the channel" were omitted from section 60.

Modification of Salmon Fishery Act 1861 s. 25 and Salmon Fishery Act 1873 s. 46.

28. In any case in which under the provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 a fish pass is required to be attached to or made as part of the structure of any dam weir or other obstruction to the passage of salmon or the making or continuance of an obstruction is illegal the Board of Agriculture and Fisheries on the application of the owner or occupier of such dam weir or obstruction may by written permit exempt such dam weir or obstruction from the operation of such provisions generally or for such period and on such terms and conditions as the said Board may think fit and specify in the permit.

Modification of Salmon Fishery Act 1861 s. 23.

29. The power of erecting a fish pass attached to a dam conferred by section 23 of the Salmon Fishery Act 1861 as amended by the Salmon Fishery Act 1873 shall extend to the erection and maintenance of a fish pass adjacent to but not attached to the dam.

Confirmation of byelaws.

30. A byelaw made by the Fishery Board may be confirmed by the Board of Agriculture and Fisheries either without modification or with such modification as may be assented to by the Fishery Board and in the latter case notice of the proposed modification shall be given by the Fishery Board by advertisement or otherwise in accordance with the directions (if any) of the Board of Agriculture and Fisheries in that behalf.

Proof of byelaws.

31. A copy of any byelaw made by the Fishery Board purporting to be signed by the clerk of the Fishery Board and certified by him to be a true copy and to have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof.

Modification of Salmon Fishery Act 1865 s. 57.

32. Section 57 of the Salmon Fishery Act 1865 shall apply within the Fishery District to any offence under the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order or any byelaw made under the authority of the said Acts or Order but it shall not be imperative to inflict a greater penalty than fifty shillings for a second offence or five pounds for a third offence.

Provision for measurement of mesh of nets.

33. For the purposes of any provision in the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order or any byelaw made thereunder which prescribes the minimum size of mesh of nets that may lawfully be used within the Fishery District it shall be sufficient evidence of the mesh being of less than the minimum size if it is proved that a gauge certified by the Board of Trade to be of such size as to correspond with the size prescribed as a minimum by the statutory provision Order or byelaw would not pass through the mesh without pressure when the net is wet.

Regulation of seine or draft nets.

34. Any person who shall shoot or work any seine or draft net for salmon in the Fishery District within fifty yards from the nearest point in the line of shoot of any other seine or draft net worked in like manner and already shot or being worked before such last-mentioned net is fully drawn in and landed shall for every such offence be liable to a penalty not exceeding five pounds.

Application of provisions of Salmon and Freshwater Fisheries Acts.

35.—(1) The provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 with respect to conservators boards of conservators and fishery districts except as herein expressly provided and so far as they are consistent with the provisions of this Order shall apply to the members of the Board the Fishery Board and the Fishery District as if such Board and District were formed under those Acts and as if the waters lying within the Fishery District were a river and subject to the provisions of this Order the Fishery Board shall as regards the Fishery District have all such powers and duties as may be exercised

A.D. 1915.

or discharged by a board of conservators constituted under the said Acts or any of them Provided that nothing in this Order shall be construed as authorising the Fishery Board to levy licence duty for fishing for any fish other than salmon trout and char.

(2) The provisions of the said Acts with respect to the formation alteration combination and dissolution of fishery districts and the sections or parts of sections of the said Acts mentioned in the Fourth Schedule to this Order shall not apply to the Fishery Board or within the Fishery District.

For protection of public water undertakings

36.—(1) Nothing in the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order or any byelaw made by the Fishery Board penalising the use of any instrument or its use without a licence or prohibiting or restricting the catching or killing of or the attempting to catch or kill any kind of fish shall apply in relation to the removal of fish from any reservoir or other works in the Fishery District which form part of the water undertaking of a water authority when such removal is effected by the direction of the water authority for the purposes of the undertaking Provided that so far as is practicable all fish removed under this provision shall be returned alive to waters within the Fishery District.

(2) An officer of the Fishery Board shall not under the powers conferred by the said Acts or this Order have any power to interfere with any filter-beds machinery appliances or works which form part of the water undertaking of any water authority.

(3) The Fishery Board shall on the application of a water authority being the owner of any reservoir appoint a water bailiff nominated by the applicant for the protection of the fisheries in such reservoir Such water bailiff shall be paid by the applicant for such appointment but unless otherwise directed by the instrument appointing him the powers of any such water bailiff shall not extend beyond the reservoir Provided that any appointment made by the Fishery Board under this subsection may at any time be revoked by them for any cause which they may deem sufficient but without prejudice to the right to require the Fishery Board to appoint another person.

Definitions.

37.—(1) In this Order unless the context otherwise requires the following terms have the meaning hereinafter respectively assigned to them (that is to say):—

"Trout" does not include any migratory fish of the genus salmon;

"Owner" means the person for the time being receiving the rackrent of a fishery whether on his own account or as trustee or attorney for any other person or who would so receive the same if the fishery were let at a rackrent;

"Year of election" means the year nineteen hundred and fifteen or the third year after the preceding year of election as the context requires;

"Appointed day" means the date appointed by the Board of Agriculture and Fisheries as that on which elected members of the Fishery Board shall come into office;

"Water authority" means any local authority board or company constituted by general or local Act of Parliament or by Provisional Order confirmed by Parliament and having power to supply water to any town or place;

Words importing the masculine gender shall include females;

Other expressions have the same meaning as in the Salmon and Freshwater Fisheries Acts 1861 to 1892.

(2) Any document purporting to be signed by one of the several persons entitled as joint tenants or tenants in common of a fishery on behalf of himself and the other persons or to be signed by the clerk of any body corporate or unincorporate being an owner of a fishery on behalf of such body shall unless and until the contrary is proved be treated for the purposes of this Order as signed by all the persons entitled or by the body corporate or unincorporate as the case may be.

Crown rights.

38. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Fishery Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Works below high-water mark not to be commenced without consent of Board of Trade.

39. The Fishery Board shall not under the powers of this Order construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Fishery Board shall not at any

A.D. 1915.

time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Fishery Board and the amount of such costs and charges shall be a debt due from the Fishery Board to the Crown and shall be recoverable as a Crown debt or summarily.

Short title.

40. This Order may be cited as the River Conway Fisheries Provisional Order 1915.

TRANSITORY PROVISIONS.

Abolition of existing Board of Conservators and other transitory provisions.

41.—(1) The existing Board of Conservators of the Conway Fishery District shall be abolished on the appointed day and all property acquired and all liabilities incurred by that Board shall as from that day by virtue of this Order be transferred to and vested in the Fishery Board and the Fishery Board shall to all intents and purposes represent and be deemed a continuation of the existing Board and the clerk and all other officers of that Board shall become the officers of the Fishery Board and upon the same terms and conditions as heretofore.

(2) Any power right or remedy conferred on the existing Board or an officer of the existing Board by any Provisional Order or local Act in relation to the Fishery District or the waters therein shall be exerciseable by the Fishery Board or an officer of the Fishery Board as the case may be and any reference in any such Provisional Order or Act to the existing Board shall for this purpose be construed as referring to the Fishery Board.

(3) Any byelaw scale of licence duties notice or instrument made fixed given or executed by the existing Board and in force at the date of the confirmation of this Order shall upon such abolition take effect as if it had been made fixed given or executed by the Fishery Board but shall not in any other respect be alter or affected by this Order.

(4) The existing Board shall as soon as practicable after the confirmation of this Order carry into effect the provisions of this Order as to assessment of the private fisheries in the Fishery District and for this purpose the provisions of this Order relating to such assessment (including the power to exempt from assessment for a specified period) shall apply to the existing Board and to the clerk of that Board Notice of assessment of fisheries shall be given as soon as practicable by the existing Board by advertisement in two successive issues of some newspaper or newspapers circulating in the Fishery District in the form set forth in the Third Schedule hereto.

(5) The time and place of the first meeting of the Fishery Board shall be fixed by the existing Board and for the purposes of the nomination and election of the first elected members of the Fishery Board the existing Board shall in the application of this Order be substituted for the Fishery Board.

(6) For the purposes of the first election under section 3 of this Order the Board of Agriculture and Fisheries may by order substitute for the first day of December and twenty-first day of December such days as the Board shall determine.

(7) The Fishery Board shall come into office on the appointed day and the members of the existing Board shall remain in office until that date.

(8) The costs incurred by the existing Board of Conservators in obtaining this Order and its confirmation by Parliament shall be paid by the existing Board or by the Fishery Board out of any funds in their hands.

In witness whereof the Board of Agriculture and Fisheries have hereunto set their official seal this seventh day of April nineteen hundred and fifteen.

(L.S.) (Signed) HENRY G. MAURICE
Assistant Secretary.

SCHEDULES.

FIRST SCHEDULE.

AREA WITHIN WHICH THE ORDER APPLIES.

The area within a line commencing at the booking office of the railway station of the London and North Western Railway at Colwyn Bay in the county of Denbigh and drawn straight to the nearest point on the natural watershed of the rivers and streams flowing into the sea to the eastward of the said railway station thence continued along such watershed successively in a southerly south-easterly and south-westerly direction until it reaches the natural watershed of the River Conway near Arenig Fach thence along such watershed successively in a westerly and north-westerly direction until it reaches the natural watershed of the River Aber thence along the eastern

A.D. 1915.

boundary of such watershed successively in a northerly and north-westerly direction until it reaches the nearest point to the seaward extremity at high water of the right bank of the said River Aber thence straight through the easternmost extremity at high water of Puffin Island until it reaches the boundary of territorial waters thence along such boundary in an easterly direction until it reaches a point true north of the booking office at the railway station at Colwyn Bay aforesaid thence continued straight to the said booking office.

SECOND SCHEDULE.

REGULATIONS AS TO NOMINATION AND ELECTION OF MEMBERS REPRESENTATIVE OF PRIVATE FISHERIES.

The returning officer shall be the chairman of the Fishery Board or a person appointed by him in writing for the purpose Nominations of candidates for election signed by the candidate in evidence of his willingness to act and by two electors may be sent to the returning officer so as to be delivered at his office not later than midnight on the first day of December in the year of election If the number of persons nominated shall be the same as or less than the number of persons to be elected such persons shall be deemed to be duly elected If the number of persons nominated exceed the number to be elected the returning officer shall on or before the following twenty-first day of December send by post to each elector at the address stated in the register of assessments a voting paper in the form contained in the Second Schedule to the Salmon Fishery Act 1873 containing in alphabetical order the names of the candidates and specifying a day not less than ten days nor more than fifteen days from the date of sending such voting paper on or before which such voting paper is to be returned to him.

Paragraphs (7) and (10) to (16) of section 30 of the Salmon Fishery Act 1873 and sections 31 to 33 of that Act shall apply to the election of members representative of private fisheries as if the same were incorporated herein.

THIRD SCHEDULE.

FORMS.

Form I.

Notice of Assessment of Fisheries.

Salmon and Freshwater Fisheries Acts.

River Conway Fishery District.

Notice is hereby given that an assessment committee has been appointed by the River Conway Fishery Board to assess the yearly value of all private fisheries for salmon and trout or either of them in the River Conway Fishery District constituted by the River Conway Fisheries Provisional Order 1915.

At the election of members representative of private fisheries the electors will be the owners of such of the above-mentioned fisheries as have been duly assessed and entered in the register of assessments and owners should immediately communicate with the clerk of the Board. [*Name and Address.*]

Form II.

Notice of Provisional Assessment.

Salmon and Freshwater Fisheries Acts.

River Conway Fishery District.

To

Notice is hereby given that the assessment committee appointed under the River Conway Fisheries Provisional Order 1915 have provisionally assessed the yearly value of the fishery described in the schedule to this notice at £ *s.* *d.*

If no objection to such provisional assessment by you or on your behalf is received by the undersigned within fourteen days after the date of the posting of this notice the yearly value of the fishery will for the purposes of the River Conway Fisheries Provisional Order 1915 be deemed to have been determined at the amount above stated and in default of any objection you will be entered in the register of assessments as the owner of the fishery.

If notice of objection is duly given you will be entitled to have the value assessed by a valuer appointed by the Board of Agriculture and Fisheries whose remuneration will be payable in equal shares by you and the Fishery Board.

(Signed) *A.B.*
Clerk of the Assessment Committee.
19 .

A.D. 1915.

Schedule to Notice.

Description of Fishery as proposed to be entered in the Register of Assessments.
[*Date on which the Notice is sent.*]

FORM III.

Notice of Demand for Payment of Contribution.

Salmon and Freshwater Fisheries Acts.

River Conway Fishery District.

Notice is hereby given that the River Conway Fishery Board have imposed a contribution to be paid by the owners of the whole of the fisheries in the above-mentioned district liable to be assessed and have directed that the same shall be payable on the day of to of the collector appointed to receive the same.

The amount payable in respect of such contribution by the owner of the fishery described in the schedule to this notice is £ *s.* *d.* which is hereby required to be paid to the said collector on or before the above-mentioned date.

(Signed) *A.B.*

Clerk of the River Conway Fishery Board.

Dated 19 .

Schedule to Notice.

Description of Fishery as entered in the Register of Assessments.

FORM IV.

Certificate for Recovery of Contribution.

Salmon and Freshwater Fisheries Acts.

River Conway Fishery District.

I *A.B.* hereby certify that the amount of £ *s.* *d.* is payable by the owner of the fishery described in the schedule to this certificate in respect of a contribution duly imposed by the River Conway Fishery Board to of the collector appointed by that Board to receive the same and that the

person entered in the register of assessments as owner of such fishery is of A.D. 1915.

(Signed) *A.B.*
Clerk of the River Conway Fishery Board.

Schedule to Certificate.

Description of Fishery as entered in the Register of Assessments.

FOURTH SCHEDULE.

PROVISIONS WHICH BY THIS ORDER ARE DECLARED TO BE INAPPLICABLE TO THE FISHERY BOARD OR WITHIN THE FISHERY DISTRICT.

Act.	Section.	Subject.
Salmon Fishery Act 1865.	Section 15 - - -	Tenure of office by Conservators.
	Section 16 - - -	Notice of appointment of Conservators.
	Section 29 - - -	Audit of accounts.
	Section 34 (8) - - -	Notice on first appointment of Conservators.
	In sections 35 and 36 the words "From and after a "time to be appointed as "aforesaid in a fishery dis- "trict."	
Salmon Fishery Act 1873.	Section 14 - - -	Provision as to working seine or draft nets.
	In section 17 all words after "for catching the same."	Provision as to fish passes.
	Section 26 - - -	Ex-officio members of Boards of Conservators.
	Section 27 - - -	Provision for persons under disability.
	Section 28 - - -	Ex-officio members to sign a declaration.
	In section 39 (2) the words "such weekly close time "in no case to exceed "48 hours."	Limitation of power to alter weekly close time.
	The whole of subsection (3) -	Byelaws as to nets.
	Section 45 - - -	Proof of byelaws.

Printed by EYRE and SPOTTISWOODE, LIMITED,
FOR
FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

To be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LIMITED, 29, BREAMS BUILDINGS, FETTER LANE, E.C., and
28, ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LIMITED, 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America and other Foreign Countries of
T. FISHER UNWIN, LIMITED, LONDON, W.C.