



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART II

OBSTRUCTIONS TO PASSAGE OF FISH

9 Duty to make and maintain fish passes.

- (1) Where in any waters frequented by salmon or migratory trout—
 - (a) a new dam is constructed or an existing dam is raised or otherwise altered so as to create increased obstruction to the passage of salmon or migratory trout, or any other obstruction to the passage of salmon or migratory trout is created, increased or caused; or
 - (b) a dam which from any cause has been destroyed or taken down to the extent of one-half of its length is rebuilt or reinstated,the owner or occupier for the time being of the dam or obstruction shall, if so required by notice [^{F1}given by the appropriate agency and within] such reasonable time as may be specified in the notice, make a fish pass for salmon or migratory trout of such form and dimensions [^{F2}as the appropriate agency may] approve as part of the structure of, or in connection with, the dam or obstruction, and shall thereafter maintain it in an efficient state.
- (2) If any such owner or occupier fails to make such a fish pass, or to maintain such a fish pass in an efficient state, he shall be guilty of an offence.
- (3) [^{F3}The appropriate agency] may cause to be done any work required by this section to be done, and for that purpose may enter on the dam or obstruction or any land adjoining it, and may recover the expenses of doing the work in a summary manner from any person in default.
- (4) Nothing in this section—
 - (a) shall authorise the doing of anything that may injuriously affect any public waterworks or navigable river, canal, or inland navigation, or any dock, the supply of water to which is obtained from any navigable river, canal or inland navigation, under any Act of Parliament; or

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 9. (See end of Document for details)

- (b) shall prevent any person from removing a fish pass for the purpose of repairing or altering a dam or other obstruction, provided that the fish pass is restored to its former state of efficiency within a reasonable time; or
- (c) shall apply to any alteration of a dam or other obstruction, unless—
 - (i) the alteration consists of a rebuilding or reinstatement of a dam or other obstruction destroyed or taken down to the extent of one-half of its length, or
 - (ii) the dam or obstruction as altered causes more obstruction to the passage of salmon or migratory trout than was caused by it as lawfully constructed or maintained at any previous date.

Textual Amendments

- F1** Words in s. 9(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 131(2)(a)** (with Sch. 7)
- F2** Words in s. 9(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 131(2)(b)** (with Sch. 7)
- F3** Words in s. 9(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 131(3)** (with Sch. 7)

Modifications etc. (not altering text)

- C1** S. 9 excluded (7.3.1995) by [S.I. 1995/519](#), **art. 3(13)**
- C2** S. 9 applied (16.3.1992) by [Avon Weir Act 1992 \(c. v\)](#), **s. 5(5)**.
- C3** S. 9 excluded (19.3.2007) by [Ouseburn Barrage Order 2007 \(S.I. 2007/608\)](#), arts. 1, **3(6)** (with arts. 46-48, Sch. 6 para. 23)
- C4** S. 9 excluded (7.8.2012) by [The Ipswich Barrier Order 2012 \(S.I. 2012/1867\)](#), arts. 1, **3(7)** (with arts. 46-48, Sch. 8 para. 18)

Changes to legislation:

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 9.