



2001 CHAPTER 4

Disturbing spawning beds, etc.

3.—(1) At the end of section 48 of the principal Act (taking, etc., spawn or fry of salmon, trout or eels) add—

“(4) It shall be a defence for a person charged with an offence under subsection (1)(a) in relation to the spawn of any salmon to prove—

- (a) that the spawn had been produced at a fish farm; or
- (b) that he believed on reasonable grounds that it had been so produced.

(5) If any person removes any material from the bed of any river—

- (a) without the consent of the Board under subsection (6); or
- (b) otherwise than in accordance with the conditions of a consent granted by the Board under subsection (6),

he shall be guilty of an offence.

(6) The Board may, on the application of any person, grant its consent to the removal of material from the bed of a river on such conditions as it thinks fit.

(7) Where the Board—

- (a) on an application for a consent under subsection (6), has refused a consent; or
- (b) in giving a consent under subsection (6), has given that consent subject to conditions,

the person who applied for the consent may appeal to the Appeals Commission against the decision within 28 days from the day on which notice of the decision was given to that person.

(8) A consent under subsection (6) does not confer on any person a right to remove material from the bed of a river which (apart from this section) he would not otherwise have.

(9) Nothing done under and in accordance with the conditions of a consent under subsection (6) constitutes an offence under subsection (1) or section 49.”.

(2) For section 208 of the principal Act substitute—

“208 Saving for right of owner to take materials from streams

208. Nothing in this Act other than section 48 shall prejudice the right of any owner to take materials from any stream.”.