



# Salmon and Freshwater Fisheries Act 1975

## 1975 CHAPTER 51

### PART II

#### OBSTRUCTIONS TO PASSAGE OF FISH

#### **12 Penalty for injuring or obstructing fish pass or free gap.**

- (1) If any person—
- (a) wilfully alters or injures a fish pass; or
  - (b) does any act whereby salmon or trout are obstructed or liable to be obstructed in using a fish pass or whereby a fish pass is rendered less efficient; or
  - (c) alters a dam or the bed or banks of the river so as to render a fish pass less efficient; or
  - (d) uses any contrivance or does any act whereby salmon or trout are in any way liable to be scared, hindered or prevented from passing through a fish pass,
- he shall be guilty of an offence, and shall also in every case pay any expenses which may be incurred in restoring the fish pass to its former state of efficiency; and any such expenses may be recovered in a summary manner.
- (2) The owner or occupier of a dam shall be deemed to have altered it if it is damaged, destroyed or allowed to fall into a state of disrepair, and if after notice is served on him [<sup>F1</sup>by the appropriate agency he] fails to repair or reconstruct it within a reasonable time so as to render the fish pass as efficient as before the damage or destruction.
- (3) If any person—
- (a) does any act for the purpose of preventing salmon or trout from passing through a fish pass, or takes, or attempts to take, any salmon or trout in its passage through a fish pass; or
  - (b) places any obstruction, uses any contrivance or does any act whereby salmon or trout may be scared, deterred or in any way prevented from freely entering and passing up and down a free gap at all periods of the year,
- he shall be guilty of an offence.

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*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 12. (See end of Document for details)*

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- (4) This section shall not apply to a temporary bridge or board used for crossing a free gap, and taken away immediately after the person using it has crossed.

**Textual Amendments**

- F1** Words in s. 12(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 134** (with Sch. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 12.