



# Salmon and Freshwater Fisheries Act 1975

## 1975 CHAPTER 51

### PART II

#### OBSTRUCTIONS TO PASSAGE OF FISH

#### **15 Power of water authority to use gratings etc. to limit movements of salmon and trout**

- (1) A water authority, with the written consent of the Minister—
  - (a) may cause a grating or gratings of such form and dimensions as they may determine to be placed and maintained, at the expense of the authority, at a suitable place in any watercourse, mill race, cut, leat, conduit or other channel for conveying water for any purpose from any waters frequented by salmon or migratory trout; and
  - (b) may cause any watercourse, mill race, cut, leat, conduit or other channel in which a grating is placed under this section to be widened or deepened at the expense of the authority so far as may be necessary to compensate for the diminution of any flow of water caused by the placing of the grating, or shall take some other means to prevent the flow of water being prejudicially diminished or otherwise injured.
- (2) If any person—
  - (a) injures any such grating ; or
  - (b) removes any such grating or part of any such grating, except during any period of the year during which under a byelaw gratings need not be maintained; or
  - (c) opens any such grating improperly ; or
  - (d) permits any such grating to be injured, or removed, except as aforesaid, or improperly opened ;he shall be guilty of an offence.
- (3) A water authority, with the written consent of the Minister, may adopt such means as the Minister may approve for preventing the ingress of salmon or trout into waters in

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*Status: This is the original version (as it was originally enacted).*

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which they or their spawning beds or ova are, from the nature of the channel or other causes, liable to be destroyed.

(4) Nothing in this section shall—

- (a) affect the liability under this Act of any person to place and maintain a grating ;  
or
- (b) authorise a grating to be so placed or maintained during any period of the year during which under a byelaw gratings need not be maintained ; or
- (c) authorise any grating to be placed or maintained so as to obstruct any conduit or channel used for navigation or in any way interfere with the effective working of any mill;

and nothing in subsection (3) above shall authorise the water authority prejudicially to interfere with water rights used or enjoyed for the purposes of manufacturing or for milling purposes or for drainage or navigation.