



# Salmon and Freshwater Fisheries Act 1975

## 1975 CHAPTER 51

### PART II

#### OBSTRUCTIONS TO PASSAGE OF FISH

#### 18 Provisions supplementary to Part II.

- (1) If any person obstructs a person legally authorised whilst he is doing any act authorised by section 9, 10 or 15 above, he shall be guilty of an offence.

<sup>F1</sup>[( 2 ) The [<sup>F2</sup>appropriate agency] shall not—

- (a) construct, abolish or alter any fish pass, or abolish or alter any free gap, in pursuance of section 10 above, or
- (b) do any work under section 15 above,

unless reasonable notice of its intention to do so (specifying the section in question) has been served on the owner and occupier of the dam, fish pass or free gap, watercourse, mill race, cut, leat, conduit or other channel, with a plan and specification of the proposed work; and the [<sup>F2</sup>appropriate agency] shall take into consideration any objections by the owner or occupier, before doing the proposed work.]

- (3) If any injury is caused—

- (a) to any dam by reason of the construction, abolition or alteration of a fish pass or the abolition or alteration of a free gap in pursuance of section 10 above; or
- (b) by anything [<sup>F3</sup>done by the appropriate agency under] section 15 above,

any person sustaining any loss as a result may recover [<sup>F4</sup>from the appropriate agency compensation] for the injury sustained.

- (4) The amount of any compensation under section 10[<sup>F5</sup> or 15 ] above shall be settled in case of dispute by a single arbitrator appointed by the Minister.

- (5) In any case [<sup>F6</sup>in which the appropriate agency is liable] to pay compensation under this Part of this Act in respect of injury or damage caused by the making or maintaining of any work, compensation shall not be recoverable unless proceedings for its recovery are instituted within two years from the completion of the work.

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*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 18. (See end of Document for details)*

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#### Textual Amendments

- F1** S. 18(2) substituted (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 16** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**.
- F2** Words in s. 18(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 138(2)** (with Sch. 7)
- F3** Words in s. 18(3)(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 138(3)(a)** (with Sch. 7)
- F4** Words in s. 18(3) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 138(3)(b)** (with Sch. 7)
- F5** Words in s. 18 substituted (1.1.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 16 para. 7**; S.I. 2010/298, art. 2, Sch. para. 13
- F6** Words in s. 18(5) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 138(4)** (with Sch. 7)

#### Modifications etc. (not altering text)

- C1** S. 18(2) extended (1.4.1996) by 1995 c. 25, s. 120(2), **Sch. 23 para. 14(7)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**Changes to legislation:**

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 18.