



# Salmon and Freshwater Fisheries Act 1975

## 1975 CHAPTER 51

### PART II

#### OBSTRUCTIONS TO PASSAGE OF FISH

#### 11 Minister's consents and approvals for fish passes.

- [<sup>F1</sup>(1) Any approval given by the [<sup>F2</sup>appropriate agency] to or in relation to a fish pass may, if in giving it the [<sup>F2</sup>appropriate agency] indicates that fact, be provisional until the [<sup>F2</sup>appropriate agency] notifies the applicant for approval that the pass is functioning to its satisfaction.
- (1A) The applicant for any such approval—
- (a) shall be liable to meet any costs incurred (whether by him or by the [<sup>F2</sup>appropriate agency] or any other person) for the purposes of, or otherwise in connection with, the performance of the [<sup>F2</sup>appropriate agency's] function of determining for the purposes of subsection (1) above whether or not the fish pass in question is functioning to its satisfaction; and
  - (b) shall provide the [<sup>F2</sup>appropriate agency] with such information or assistance as it may require for the purpose of performing that function.]
- (2) While any such approval [<sup>F3</sup>is provisional, the [<sup>F2</sup>appropriate agency]] may, after giving the applicant not less than 90 days' notice of [<sup>F4</sup>its intention to do so, revoke the approval].
- (3) Where [<sup>F5</sup>the [<sup>F2</sup>appropriate agency]]revokes a provisional approval given to a fish pass forming part of or in connection with a dam or other obstruction, [<sup>F6</sup>it] may extend the period within which a fish pass is to be made as part of or in connection with the obstruction.
- (4) [<sup>F7</sup>The [<sup>F2</sup>appropriate agency]] may approve and certify any fish pass if [<sup>F8</sup>it] is of opinion that it is efficient in all respects and for all purposes, whether it was constructed under this Act or not.

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 11. (See end of Document for details)*

- (5) Where a fish pass has received the approval of [<sup>F9</sup>the [<sup>F2</sup>appropriate agency]], and the approval has not been revoked, it shall be deemed to be a fish pass in conformity with this Act, notwithstanding that it was not constructed in the manner and by the person specified in this Act.

#### Textual Amendments

- F1** S. 11(1)(1A) substituted for s. 11(1) (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 12(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in s. 11 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), **art. 1(2)**, **Sch. 2 para. 133** (with Sch. 7)
- F3** Words in s. 11(2) substituted (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 12(2)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F4** Words in s. 11(2) substituted (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 12(2)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F5** Words in s. 11(3) substituted (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 12(3)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F6** Word in s. 11(3) substituted (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 12(3)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** Words in s. 11(4) substituted (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 12(4)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F8** Word in s. 11(4) substituted (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 12(4)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F9** Words in s. 11(5) substituted (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 12(5)** (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 11.