

Status: Point in time view as at 01/02/1991.

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

SCHEDULES

SCHEDULE 3

ADMINISTRATION

PART III

MISCELLANEOUS

- 37 Without prejudice to [^{F1}section 145 of the Water Act 1989, the powers conferred on the National Rivers Authority by that section, by section 151 of that Act and by section 155 of that Act include power] to purchase or take on lease (either by agreement or if so authorised compulsorily)—
- (a) any dam, fishing weir, fishing mill dam, fixed engine or other artificial obstruction and any fishery attached to or worked in connection with any such obstruction;
 - (b) so much of the bank adjoining a dam as may be necessary for making or maintaining a fish pass for the purposes of section 10 above; and
 - (c) for the purpose of erecting and working a fixed engine under paragraph 1(b) above, any fishery land or foreshore specified in the relevant order under that paragraph together with any easement over any adjoining land necessary for securing access to the fishery land or foreshore so acquired.

Textual Amendments

- F1** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 141, 190, Sch. 17 para. 7(1)(14)(e), **Sch. 26 para. 40(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

- 38 Without prejudice to the said [^{F2}section 145], a water authority may either alter or remove an obstruction acquired in the exercise of the powers mentioned in paragraph 37 above, or may by themselves or their lessees use or work in any lawful manner the obstruction for fishing purposes and exercise the right conferred by any fishery so acquired, subject in the case of an obstruction or fishery acquired by way of lease to the terms of the lease.

Textual Amendments

- F2** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 141, 190, Sch. 17 para. 7(1)(14)(f), **Sch. 26 para. 40(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

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- 39 (1) Without prejudice to the said [^{F3}paragraph 2][^{F3}section 145], a water authority—
- (a) may take legal proceedings in respect of any offence against this Act, or for the enforcement of the provision of this Act or for the protection of [^{F4}the fisheries in their area][^{F4}any fisheries] from injury by pollution or otherwise;
 - [^{F5}(b) may purchase or lease by agreement any fishery, fishing rights, or any establishment for the artificial propagation or rearing of salmon, trout or freshwater fish, and may use, work or exercise the same by themselves, their lessees, or any person duly authorised by them in writing; and]
 - (c) may obtain the services of additional constables under section 15 of the ^{M1}Police Act 1964.
- (2) Nothing in this paragraph shall authorise anything to be done which may injuriously affect any navigable river, canal, or inland navigation.

Textual Amendments

- F3** Words “section 145” substituted for “paragraph 2” (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 141, 190, Sch. 17 para. 7(1)(14)(g)(i), **Sch. 26 para. 40(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F4** Words “any fisheries” substituted for “the fisheries in their area” (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 141, 190, Sch. 17 para. 7(1)(14)(g)(ii), **Sch. 26 para. 40(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F5** Sch. 3 para. 39(1)(b) repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, Sch. 27 Pt. 1 (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 39(1)(a): by Salmon Act 1986 (c. 62, SIF 52:2), **ss. 32(6)(b)**, 43(4) it is provided that Sch. 3 para. 39(1)(a) is amended (E.W., and as mentioned in s. 43(4) (border rivers))

Marginal Citations

- M1** 1964 c. 48.

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