



# Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

2003 asp 15

## PART 1

### METHODS OF FISHING AND OFFENCES RELATED TO FISHING

#### *[<sup>F1</sup>Unauthorised introduction of fish into inland waters*

#### **[<sup>F1</sup>33A Unauthorised introduction of fish into inland waters**

- (1) A person shall be guilty of an offence if the person intentionally introduces any live fish or live spawn of any fish into inland waters.
- (2) A person shall be guilty of an offence if the person possesses any live fish or live spawn of any fish with the intention of introducing it into inland waters.
- (3) A person shall not be guilty of an offence under [<sup>F2</sup>subsection (1) or (2) above] if—
  - (a) the inland waters concerned constitute or are included in a fish farm, or
  - (b) the appropriate authority have previously consented in writing.

[ The appropriate authority may, in granting consent for the purposes of subsection (3)  
<sup>F3</sup>(3A) (b) above, impose conditions or requirements.

- (3B) A person shall be guilty of an offence if the person—
  - (a) acts in contravention of any such condition or requirement; or
  - (b) fails to take any action required of the person by any such condition or requirement.
- (3C) It is a defence for a person charged with an offence under subsection (3B)(b) above to show that the person had a reasonable excuse for failing to take the action mentioned in that subsection.]
- (4) Where—
  - (a) the fish concerned are salmon or the spawn concerned are salmon spawn, and
  - (b) the inland waters concerned are in a salmon fishery district for which there is a district salmon fishery board,

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**Changes to legislation:** There are currently no known outstanding effects for the *Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, Section 33A*. (See end of Document for details)

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the district salmon fishery board are the appropriate authority.

In any other case the Scottish Ministers are the appropriate authority.

[ Subsection (4) is subject to provision made in regulations under section 33B of this  
<sup>F4</sup>(4A) Act.]

(5) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) A person who commits an offence under this section may be convicted on the evidence of one witness.]

#### Textual Amendments

- F1** S. 33A and preceding cross heading inserted (1.8.2008) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\)](#), **ss. 35(2)**, 45(2) (with s. 39); S.S.I. 2007/333, art. 2(2)
- F2** Words in s. 33A(3) substituted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 32(2)(a)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F3** S. 33A(3A)-(3C) inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 32(2)(b)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F4** S. 33A(4A) inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 32(2)(c)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, Section 33A.