



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

2003 asp 15

PART 1

METHODS OF FISHING AND OFFENCES RELATED TO FISHING

[^{F1}Unauthorised introduction of fish into inland waters

[^{F1}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 [^{F2}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)
- ^{F3}(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,

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)

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 ^{F4}(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.