



Aquaculture and Fisheries (Scotland) Act 2007

2007 asp 12

PART 3

SALMON AND FRESHWATER FISHERIES

24 Freshwater fish conservation regulations

- (1) After section 51 of the 2003 Act (financial contributions towards organisations developing freshwater fisheries), insert—

“Conservation measures

51A Freshwater fish conservation regulations

- (1) The Scottish Ministers may make regulations under this section if they consider that it is necessary or expedient to do so for the conservation of freshwater fish.
- (2) Regulations under this section shall not be taken to be for something other than the conservation of freshwater fish by reason only that they also have effect in relation to the management of freshwater fisheries for exploitation.
- (3) In considering whether or not it is necessary or expedient to make regulations under this section the Scottish Ministers shall have regard to any representations made to them by any person having an interest in fishing for or taking freshwater fish, or in the environment.
- (4) Regulations under this section—
 - (a) may be made in relation only to freshwater fisheries;
 - (b) may make different provision for different species of freshwater fish.
- (5) Without prejudice to the generality of the power conferred by this section, regulations under this section may prohibit the use of specified baits and lures for the purposes of the definition of “rod and line” in section 4(1) of this Act in the case of fishing for freshwater fish.

Status: This is the original version (as it was originally enacted).

- (6) Regulations under this section which prohibit the use of specified baits and lures for the purposes mentioned in subsection (5) shall specify, subject to such exceptions as may be so specified—
- (a) baits and lures or classes of baits or lures, the use of which is prohibited;
 - (b) times when the regulations apply;
 - (c) areas to which the regulations apply.
- (7) Regulations under this section may—
- (a) confer upon constables and water bailiffs such powers of enforcement, additional to those otherwise available under this Act, as the Scottish Ministers consider necessary or expedient for the purposes of the regulations;
 - (b) make provision generally in relation to any river, or in relation to any time or season;
 - (c) make different provision for different parts of a river, or for different cases or classes of case.
- (8) Any person who—
- (a) acts in contravention of; or
 - (b) fails to take any action required of that person by, or to comply with any requirement imposed on that person by,
- regulations made under this section shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (9) A person who commits an offence under this section may be convicted on the evidence of one witness.
- (10) Paragraphs 9A and 11 to 15 of schedule 1 to this Act shall have effect in relation to the making of regulations under this section.”.
- (2) In section 4(1) of the 2003 Act (meaning of “rod and line”), at the end add “or, in relation to fishing for freshwater fish, under section 51A of this Act”.