



Oyster Fisheries (Scotland) Act 1840

1840 CHAPTER 74 3 and 4 Vict

An Act for the better Protection of the Oyster Fisheries in Scotland. [7th August 1840]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)

[1.] **Penalty for stealing oysters or oyster brood.**

If any person in Scotland shall wilfully and knowingly take and carry away any oysters or oyster brood from any oyster bed, laying, or fishery, being the property of any other person or persons, body corporate or politic, and sufficiently marked out or known as such, every such offender shall be deemed guilty of theft, and being guilty thereof shall be liable to be sentenced to imprisonment not exceeding the term of one year.

2 **Penalty for using dredges, &c. within limits of oyster fisheries.**

If any person shall unlawfully and wilfully use any dredge, or any net, instrument, or engine whatsoever, within the limits of any such oyster fishery in Scotland, for the purpose of taking oysters or oyster brood, although none shall be actually taken, or shall, with any net, instrument, or engine, drag upon the ground or soil of any such fishery, every such person shall be deemed guilty of an attempt to commit theft, and being convicted thereof shall be liable to be punished by fine or imprisonment, or both, as the court shall award; such fine not to exceed [^{F1}level 1 on the standard scale], and such imprisonment not to exceed three calendar months.

Textual Amendments

- F1 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G, 457A**

Changes to legislation: There are currently no known outstanding effects for the Oyster Fisheries (Scotland) Act 1840. (See end of Document for details)

3 Not to extend to persons fishing for floating fish.

Provided always, that nothing in this Act contained shall prevent any person from catching or fishing for any floating fish within the limits of any oyster fishery, with any net, instrument or engine adapted for taking floating fish only.

4 Act not to prevent persons exercising rights they now enjoy.

Provided always, that nothing in this Act contained shall prevent or be construed to prevent any person or persons from exercising any right which may now be lawfully exercised within the limits of any such fishery.

Changes to legislation:

There are currently no known outstanding effects for the Oyster Fisheries (Scotland) Act 1840.