

## SCHEDULES

### SCHEDULE 4

#### OFFENCES

#### PART I

##### PROSECUTION AND PUNISHMENT

- 1 (1) Column 2 of the Table below gives a description of the offences against the provisions of this Act specified in column 1 of the Table, and in relation to any such offence—
- (a) column 3 shows whether the offence is punishable summarily (that is to say, on summary conviction) or on indictment or either in one way or the other; and
  - (b) column 4 shows the maximum punishment by way of fine or imprisonment which may be imposed on a person convicted of the offence in the way specified in column 3 (that is to say, summarily or on indictment), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment for that period.
- (2) A person guilty of an offence against any provision of this Act not specified in the Table shall be liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 4 on the standard scale] or, in the case of a second or subsequent conviction, [<sup>F1</sup>level 4 on the standard scale].
- (3) A person shall be treated as acting together with another for the purposes of the above Table if
- [<sup>F2</sup>(a) both are engaged in committing—
    - (i) an offence under section 1 above, other than one committed without any instrument, or
    - (ii) an offence under section 27 above, other than one committed by means of a rod and line (only), or
  - (b) one is aiding, abetting, counselling or procuring the commission of such an offence by the other.]

TABLE

<b>Provision of Act creating the offence</b>	<b>Description of offence</b>	<b>Mode of prosecution</b>	<b>Punishment</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
[ <sup>F3</sup> Section 1 ...]	[ <sup>F3</sup> Fishing with certain instruments for salmon, trout or	[ <sup>F3</sup> (a) Summarily ...]	<sup>F4</sup> [ <sup>F3</sup> Three months or the statutory

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	freshwater fish and possessing certain instruments for fishing for such fish.]	[ <sup>F3</sup> On indictment ...]	maximum or both. ] [ <sup>F3</sup> Two years or a fine of both.]
Section 4 ...	Discharging poisonous or injurious matter into waters containing fish or spawn.	(a) Summarily ... ..	[ <sup>F5</sup> The prescribed sum] and £40 for each day on which the offence continues after a conviction thereof.
		(b) On indictment ... ..	Two years or a fine or both.
Section 5(1) ...	Using explosives, poisons, noxious substances or electrical devices to take or destroy fish.	(a) Summarily ... ..	[ <sup>F6</sup> A fine.]
		(b) On indictment ... ..	Two years or a fine or both.
Section 5(3) ...	Destroying or damaging dams etc., to take or destroy fish.	(a) Summarily ... ..	[ <sup>F5</sup> The prescribed sum].
		(b) On indictment ... ..	Two years or a fine or both.
F7	F7	F7	F7
...	...	...	...
F7	F7	F7	F7
...	...	...	...
F7	F7	F7	F7
...	...	...	...
F7	F7	F7	F7
...	...	...	...
F7	F7	F7	F7
...	...	...	...
[ <sup>F3</sup> Section 27 ...]	[ <sup>F3</sup> Fishing for fish[ <sup>F8</sup> by licensable means of fishing ] otherwise than under the authority of a licence and possessing an unlicensed[ <sup>F9</sup> licensable ] instrument with intent to use it for fishing.]	[ <sup>F3</sup> (a) If the [ <sup>F10</sup> offence is one alleged to be committed by use or possession of rod and line (only) ], summarily.] [ <sup>F3</sup> (b) in any other case—] [ <sup>F3</sup> (i)summarily]...	[ <sup>F3</sup> Level 4 on the standard scale]  F4 [ <sup>F3</sup> Three months or the statutory

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			maximum or both; ]
		[ <sup>F3</sup> (ii) on indictment]...	[ <sup>F3</sup> Two years or a fine or both.]
[ <sup>F11</sup> Section 27B	Unauthorised fishing etc	(a) Summarily (b) On indictment	[ <sup>F12</sup> A fine.] A fine.]

### Textual Amendments

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 3\(1\), Sch. 2 Pt. II](#) it is provided (S.) (1.4.1996) that Sch. 4 para. 1(2) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale
- F2** Sch. 4 para. 1(3)(a)(b) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(4\)](#); S.I. 2009/3345, art. 2, Sch. para. 15(h)
- F3** Entry substituted (E.W. and as mentioned in s. 43(4) of the substituting Act (border rivers)) by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), [ss. 35\(1\)\(2\)](#), 43(4)
- F4** By [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 3\(1\), Sch. 2 Pt. II](#) it is provided (S.) (1.4.1996) that Sch. 4 Pt. I Table shall have effect as if the maximum fine that may be imposed on summary conviction for the offences mentioned therein (offences created under sections 1, 19(2)(4)(6)(7), 21, 27 of this Act) were a fine not exceeding level 4 on the standard scale
- F5** Sch. 4 para. 1 table: the maximum fine which may be imposed on summary conviction shall be the prescribed sum by virtue of [Magistrates' Courts Act 1980 \(c. 43\), s. 32\(2\)](#)
- F6** Words in Sch. 4 para. 1(2) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 8\(a\)](#) (with reg. 5(1))
- F7** Sch. 4 para. 1(2) entries repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(2\), 22 Pt. 5\(B\)](#); S.I. 2009/3345, art. 2, Sch. paras. 15(h), 27(b)
- F8** Words in Sch. 4 para. 1(2) inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(3\)\(a\)\(i\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F9** Word in Sch. 4 para. 1(2) inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(3\)\(a\)\(ii\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F10** Words in Sch. 4 para. 1(2) substituted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 17\(3\)\(b\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F11** Words in Sch. 4 para. 1(2) inserted (1.1.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 219\(3\), 324\(3\)](#); S.I. 2010/298, art. 2, Sch. para. 13
- F12** Words in Sch. 4 para. 1(2) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 8\(b\)](#) (with reg. 5(1))

**Changes to legislation:**

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Paragraph 1.