



# Freshwater and Salmon Fisheries (Scotland) Act 1976

## 1976 CHAPTER 22

### 7 **Fish farmers not to be guilty of contravention of certain enactments**

- (1) Subject to subsection (2) below, a person shall not be guilty of a contravention of any of the enactments specified in Part I of Schedule 3 to this Act in respect of any act or omission if he carries out the act or the omission takes place within a fish farm in the course of the operation of a fish farm.
- (2) There shall be no contravention of paragraph (b) or (c) of section 4 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951, by virtue of subsection (1) above, in respect of an act referred to in the said paragraph (b) or (c) only if the act is carried out with the consent of the Secretary of State.
- (3) For the purposes of subsection (1) above, the act of selling or exporting fish by or on behalf of a person who has reared the fish in a fish farm shall be deemed to be an act carried out within a fish farm in the course of the operation of that farm.
- (4) In any proceedings for an offence under any of the enactments specified in Part II of Schedule 3 to this Act in relation to a boat or other thing mentioned in any such enactment which is not in a fish farm, it shall be a defence for the person charged with such offence to prove that the act or omission complained of was necessary for the purpose of the operation of a fish farm.