



# Mussel Fisheries (Scotland) Act 1847

## 1847 CHAPTER 92

An Act for the Protection of Mussel Fisheries in *Scotland*.

[22d July 1847]

WHEREAS Mussel Fisheries in *Scotland* have been the Subject of Royal Grant and of private Right: And whereas it is expedient that certain of the Provisions of an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, for the better Protection of Oyster Fisheries in *Scotland*, should be extended and apply to the Mussel Fisheries of *Scotland*:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

### **Persons unlaefully taking Mussels from Mussel Beds deemed guilty of Theft.**

That if any Person in that Part of the United Kingdom called *Scotland* shall wilfully, knowingly, and wrongfully take and carry away any Mussels or Mussel-Brood from any Mussel Bed, Scalp Laying, or Fishery, being the Property and in the lawful Occupation of any other Person or Persons or 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.

### **II Persons unlawfully fishing or trespassing in any Mussel Fishery deemed guilty of an Attempt to commit Theft.**

And be it enacted, That if any Person shall unlawfully use any Dredge, or any Net or Instrument or Engine whatsoever, or shall trespass within the Limits of any Mussel Bed, Scalp Laying, or Fishery in *Scotland*, being the Property and in the lawful Occupation of any other Person or Persons or Body Corporate or Politic, and sufficiently marked out or known as such, for the Purpose of taking Mussels or Mussel-Brood, though none shall be actually taken, or shall, with any Net, Instrument, or Engine, or with the Hand or otherwise, drag or fish upon the Ground or Soil of any such Mussel-Bed, Scalp Laying, or Fishery, every such Person shall be deemed guilty

of an Attempt to commit Theft, and being convicted thereof before the Sheriff of the County shall be liable to be punished by Fine or Imprisonment, or both, as the Court shall award, such Fine not to exceed Ten Pounds, and such Imprisonment not to exceed Three Calendar Months.

**III Nothing to prevent Persons, lawfully entitled, from fishing for floating Fish.**

Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person, lawfully entitled there to fish, from fishing for or catching any floating Fish within the Limits of any Mussel Fishery, with any Net, Instrument, or Engine adapted for taking floating Fish only.

**IV Nothing to prevent Persons from exercising legal Rights.**

Provided always, and be it enacted, That nothing in this Act contained shall prevent or be construed to prevent any Person from exercising any Right possessed by such Person of taking Bait, or any other Right which may now be lawfully exercised by such Person within the Limits of any such Fishery,

**V Act may be amended, &c.**

And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.