



# Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 2003 asp 15

## SALMON AND FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) ACT 2003

### PART 1

#### METHODS OF FISHING AND OFFENCES RELATED TO FISHING

##### *Methods of fishing*

- 1 Methods of fishing: salmon
- 2 Methods of fishing: freshwater fish
- 3 Use of gaff, tailer or landing net
- 4 Meaning of “rod and line”

##### *Offences related to fishing for salmon and freshwater fish*

- 5 Prohibition against using explosive and other noxious substances for the destruction or taking of fish
- 6 Fishing for salmon without right or permission
- 7 Illegal fishing by two or more persons acting together
- 8 Taking of dead salmon or trout
- 9 Illegal possession of salmon or trout
- 10 Offences in relation to passage of salmon
- 11 Fishing in waters where fishing rights owned by one person
- 12 Contravention of protection order

##### *Close times for salmon*

- 13 Weekly close time for salmon
- 14 Fishing for salmon during annual close time
- 15 Removal of boats and nets during annual close time
- 16 Buying and selling salmon in close time

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003. (See end of Document for details)*

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*Close time for trout*

17 Annual close time for trout

*Offences related to sale, purchase and possession of salmon and trout*

18 Unclean salmon

19 Salmon roe

20 Possessing salmon which have been illegally taken, killed or landed

21 Packages of salmon or trout to be marked

22 Size limit for selling trout

*Protection of young salmon*

23 Young salmon and spawning beds

24 Unauthorised introduction of salmon or salmon eggs into certain waters

*Offences in relation to the Solway*

25 Fixed engines in the Solway

26 Fishing without legal right in the Solway

*Exemptions*

27 Exemption from certain offences in respect of acts done for scientific and other purposes: salmon

28 Exemption from certain offences in respect of acts done for scientific and other purposes: fish other than salmon

29 Exemption from certain offences in respect of certain acts in relation to salmon

30 Exemptions in relation to fish farming

*Regulation of salmon fisheries*

31 Salmon fishing: general regulations

32 Exception from regulations with respect to the construction of dams, lades and water wheels

33 Salmon fishing: regulations as to baits and lures

**PART 2**

ADMINISTRATION OF SALMON FISHERIES

*Salmon fishery districts*

34 Salmon fishery districts

35 Designation orders

36 Estuary limits

*Conservation measures*

37 Annual close times for salmon

38 Salmon conservation regulations

*Procedures*

39 Procedure for making orders and regulations under section 33 and this Part

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### **PART 3**

#### DISTRICT SALMON FISHERY BOARDS

##### *Proprietors of salmon fisheries*

- 40 Qualified proprietors and upper and lower proprietors
- 41 Sole proprietor in a salmon fishery district

##### *Mandatorys*

- 42 Mandatorys

##### *District salmon fishery boards*

- 43 District salmon fishery boards
- 44 Financial powers and duties of district salmon fishery boards
- 45 General powers and duties of district salmon fishery boards
- 46 Proceedings of district salmon fishery boards
- 47 Tenure of office

### **PART 4**

#### ADMINISTRATION OF FRESHWATER FISHERIES

- 48 Increased availability of, and protection for, freshwater fishing
- 49 Appointment of wardens to secure compliance with protection order
- 50 Powers of entry and obstruction of wardens etc.
- 51 Financial contributions towards organisations developing freshwater fisheries

### **PART 5**

#### ENFORCEMENT

##### *Powers of constables and water bailiffs*

- 52 Grant of warrant to search premises or vehicles
- 53 Powers of constables
- 54 Powers of constables and water bailiffs to enter land
- 55 Powers of water bailiffs
- 56 General enforcement provisions not to apply in relation to protection orders

##### *Further provision as to offences*

- 57 Offences by bodies corporate
- 58 Offences in relation to obstruction

##### *Powers of court*

- 59 Power of court in trial for an offence to convict of another
- 60 Forfeiture
- 61 Defences
- 62 Jurisdiction in respect of offences committed on sea coast or at sea
- 63 Disqualification of justices

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## PART 6

### MISCELLANEOUS

- 64 Power of Scottish Ministers to conduct inquiries and to obtain information
- 65 Additional powers in respect of licensing and regulation of salmon dealing
- 66 Application of Leases Act 1449

## PART 7

### GENERAL

- 67 Application of this Act to the Crown
- 68 Orders and regulations
- 69 Interpretation
- 70 Consequential amendments, repeals and revocations
- 71 Short title, commencement and extent

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### SCHEDULE 1 — Designation orders, estuary limits orders, annual close time orders and regulations under sections 33 and 38

- 1 Designation orders
- 2 An application under paragraph 1 above shall be accompanied by...
- 3 Estuary limits orders
- 4 An application under paragraph 3 above shall be accompanied by...
- 5 Annual close time orders
- 6 An application under paragraph 5 above shall be accompanied by...
- 7 Salmon conservation regulations
- 8 An application under paragraph 7(a) above shall be in writing...
- 9 In the application of paragraphs 10 to 15 below to...
- 10 Common provisions with respect to orders
- 11 (1) Before making an order or, as the case may...
- 12 At any time, the Scottish Ministers may alter the proposals...
- 13 Making of designation, annual close time or estuary limits order or salmon conservation regulations
- 14 (1) If any representation or objection duly made is not...
- 15 After considering the report of the person appointed to hold...
- 16 Applications under this schedule may be communicated and stored electronically....

### SCHEDULE 2 — Election and co-option of members of district salmon fishery boards

#### Part 1 — MEETING OF QUALIFIED PROPRIETORS

- 1 Calling of meeting
- 2 (1) At a meeting of proprietors called—
- 3 (1) In accordance with the following provisions of this Part...
- 4 (1) In the co-opting of representatives of salmon anglers and...

#### Part 2 — MEMBERSHIP

- 5 (1) The members of the committee shall be members of...

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SCHEDULE 3 — Provisions as to making, variation and revocation of protection orders

- 1 Making of protection order
- 2 The notice to be given under paragraph 1 above shall...
- 3 The Scottish Ministers may direct that, in addition to publication...
- 4 If no representations or objections are duly made, or if...
- 5 (1) If any representation or objection duly made is not...
- 6 After considering the report of the person appointed to hold...
- 7 As soon as may be after a protection order has...
- 8 Paragraph 7 above shall apply to an order varying a...
- 9 (1) Before the Scottish Ministers make an order revoking a...
- 10 The Scottish Ministers shall cause to be published each year...

SCHEDULE 4 — Consequential amendments, repeals and revocations

Part 1 — CONSEQUENTIAL AMENDMENTS

- 1 In section 18 (enforcement of orders in relation to salmon...
- 2 (1) The Inshore Fishing (Scotland) Act 1984 shall be amended...
- 3 (1) The Water Act 1989 shall be amended as follows....

Part 2 — REPEALS AND REVOCATIONS

**Status:**

Point in time view as at 01/04/2005.

**Changes to legislation:**

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