



Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

2003 asp 15

PART 1

METHODS OF FISHING AND OFFENCES RELATED TO FISHING

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

18 Unclean salmon

- (1) Any person who—
 - (a) wilfully takes or fishes for; or
 - (b) buys, sells, exposes for sale or is in possession of,any unclean or unseasonable salmon shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Subsection (1)(a) above does not apply to any person who takes such fish accidentally and forthwith returns it to the water with the least possible injury.
- (3) A person who commits an offence under this section may be convicted on the evidence of one witness.

19 Salmon roe

- (1) Any person who buys, sells, exposes for sale or is in possession of any salmon roe shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Subsection (1) above shall not apply to any person who gives a reason, satisfactory to the court before which that person is charged, for being in possession of salmon roe.
- (3) It shall be a defence for a person charged with an offence under subsection (1) above to prove—
 - (a) that the roe had been produced in the course of fish farming within the meaning given by section 33(6) of the Fisheries Act 1981 (c. 29); or

- (b) that that person believed on reasonable grounds that it had been so produced.
- (4) A person who commits an offence under this section may be convicted on the evidence of one witness.
- (5) Subsection (3) above is without prejudice to the provisions of subsection (2) above relating to the circumstances in which subsection (1) above does not apply.

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

- (1) Any person who—
 - (a) is in possession of salmon and believes; or
 - (b) is in possession of salmon in circumstances in which it would be reasonable for that person to suspect,
 that a relevant offence has at any time been committed in relation to the salmon shall be guilty of an offence.
- (2) A person found guilty of an offence under this section shall be liable—
 - (a) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both a fine and such imprisonment.
- (3) It shall be a defence in proceedings for an offence under this section for the accused to show that no relevant offence had in fact been committed in relation to the salmon.
- (4) A person who commits an offence under this section may be convicted on the evidence of one witness.
- (5) For the purposes of this section an offence is a relevant offence in relation to a salmon if—
 - (a) it is committed by taking, killing or landing that salmon, either in Scotland or in England and Wales; or
 - (b) that salmon is taken, killed or landed, either in Scotland or in England and Wales in the course of the commission of the offence,
 and, for the purposes of this subsection, “offence”, in relation to the taking, killing or landing of salmon either in Scotland or in England and Wales means an offence under the law applicable to the place where the salmon is taken, killed or landed.
- (6) A person shall not be guilty of an offence under this section in respect of conduct which constitutes a relevant offence in relation to any salmon or in respect of anything done in good faith for purposes connected with the prevention or detection of crime or the investigation or treatment of disease.

21 Packages of salmon or trout to be marked

- (1) Any person who consigns or sends by any common or other carrier any salmon or trout in a package which is not marked conspicuously on the outside with—
 - (a) the word “salmon” or “sea trout” or, as the case may be, “trout”; and
 - (b) the name and address of the sender,
 shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (2) An authorised person may open any package consigned or sent or brought to any place to be consigned or sent, and suspected to contain salmon or trout.
- (3) Where a package opened under subsection (2) above is found to contain salmon or trout and—
 - (a) the package is not marked as described in subsection (1) above; or
 - (b) there is reasonable cause to suspect that salmon or trout contained in any package so marked is being dealt with contrary to law,an authorised person may detain the package and its contents pending proceedings for an offence against any provision of this Act.
- (4) If, before the conclusion of such proceedings as are mentioned in subsection (3) above, any salmon or trout detained under that subsection becomes unfit for human consumption, any authorised person may destroy it, or cause it to be destroyed.
- (5) Any person who—
 - (a) refuses to allow an authorised person to exercise a power conferred by this section; or
 - (b) obstructs any authorised person in the exercise of a power so conferred,shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) For the purposes of this section an “authorised person” means—
 - (a) any constable;
 - (b) any water bailiff;
 - (c) any person appointed for the purposes of this section by the Scottish Ministers.

22 Size limit for selling trout

- (1) Subject to subsection (2) below, any person who purchases, sells, exposes for sale, consigns for sale, exports or consigns for export—
 - (a) trout under 20 centimetres in length; or
 - (b) any trout at any time between 1st September and 31st March both inclusive,shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Nothing in this section shall apply to live trout sold or disposed of for the purpose of stocking any river, loch or water, or of artificial propagation.