



# 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*

#### **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

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*Status: This is the original version (as it was originally enacted).*

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- (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.