

AQUACULTURE AND FISHERIES (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT

Part 3: Salmon and Freshwater Fisheries

Salmon and freshwater fisheries

Section 19 – Use of gaff, tailer or landing net

47. Section 1 (Methods of fishing: salmon) of the 2003 Act prohibits fishing for salmon in certain waters except by rod and line and certain other specified means. Section 2 (Methods of fishing: freshwater fish) of the 2003 Act prohibits fishing in inland waters except by rod and line. Section 4 (Meaning of “rod and line”) of the 2003 Act provides the definition for the term “rod and line”. Section 3 (Use of gaff, tailer or landing net) of the 2003 Act provides that nothing in section 1 or 2 of the 2003 Act shall be construed as prohibiting the use of a gaff, tailer or landing net as auxiliary to the taking of fish by rod and line. Accordingly, the use of any instrument as auxiliary to the taking of fish by rod and line is prohibited by sections 1 and 2 of the 2003 Act, except, by virtue of section 3 of the 2003 Act, for the use of a gaff, tailer or landing net
48. Section 20 of the Act amends section 3 of the 2003 Act by removing references to gaff and tailer and substituting a reference to “knotless non-metallic”. Section 3 of the 2003 Act, as amended by section 20 of the Act, provides that nothing in sections 1 or 2 of the 2003 Act shall be construed as prohibiting the use of a knotless non-metallic landing net as auxiliary to the taking of fish by rod and line. Accordingly, this amendment makes knotless non-metallic landing nets the only instrument that is not prohibited as auxiliary to the taking of fish by rod and line. The amendment of section 3 of the 2003 Act prohibits the use of a gaff or a tailer as auxiliary to the taking of fish by rod and line. This section, the effect of which is to prohibit the use of certain products, has been notified to the European Commission in accordance with Directive [98/34/EC](#), as amended by Directive [98/48/EC](#) (“the Technical Standards Directive”).