



Aquaculture and Fisheries (Scotland) Act 2007

2007 asp 12

PART 3

SALMON AND FRESHWATER FISHERIES

22 Close times for freshwater fish

After section 17 of the 2003 Act (annual close time for trout), insert—

“Close times for freshwater fish

17A Weekly close time for freshwater fish

- (1) The Scottish Ministers may by order, after consulting such persons as they consider appropriate, specify a weekly close time for freshwater fish.
- (2) An order under subsection (1) may make different provision for different species of freshwater fish.
- (3) During a weekly close time specified by virtue of subsection (1), no person shall fish for or take such freshwater fish as are so specified in relation to that close time.
- (4) Any person who contravenes an order made under this section shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person who commits an offence under this section may be convicted on the evidence of one witness.
- (6) An order under subsection (1) may specify that the effect of the order is applicable only to a particular part or area of Scotland.

Status: This is the original version (as it was originally enacted).

17B Annual close time for freshwater fish other than trout

- (1) The Scottish Ministers may by order, after consulting such persons as they consider appropriate, specify an annual close time for freshwater fish other than trout.
- (2) An order under subsection (1) may make different provision for different species of freshwater fish.
- (3) Subject to subsections (4) and (5) below, any person who, during the annual close time specified by virtue of subsection (1) in relation to a species of fish—
 - (a) fishes for or takes such fish in any inland waters; or
 - (b) is in possession of such fish,shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) It shall not be an offence under this section for the owner or occupier of any water where fish in relation to which an annual close time is specified by virtue of subsection (1) are kept in captivity or artificially reared or fed, or any person employed by such a person, to take such fish from such water during the annual close time—
 - (a) for scientific or breeding purposes;
 - (b) for the purpose of removing them or having them removed, alive, to other waters.
- (5) It shall not be an offence under this section for a person to whom fish are consigned, whether by sale or otherwise, for the purpose mentioned in subsection (4)(b) above, to be in possession of such fish.
- (6) A person who commits an offence under this section may be convicted on the evidence of one witness.
- (7) An order under subsection (1) may specify that the effect of the order is applicable only to a particular part or area of Scotland.”.