

These notes relate to the Aquaculture and Fisheries (Scotland) Act 2013 (asp 7) which received Royal Assent on 18 June 2013

AQUACULTURE AND FISHERIES (SCOTLAND) ACT 2013

EXPLANATORY NOTES

THE ACT

Part 2

Salmon Fisheries, Etc

Salmon and Freshwater Fisheries (Consolidation)(Scotland) Act 2003: Crown application

Section 34 – Application of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 to the Crown

112. **Section 34** replaces section 67 of the 2003 Act which makes provision for the application of that Act to the Crown. Subsection (1) applies the 2003 Act to the Crown and to Crown land. Subsections (5) and (8) define Crown land and state that for the purposes of section 67 “land” includes salmon fisheries
113. **Section 67(2)** provides that the Crown cannot be held criminally liable for contravention of the 2003 Act; however this exemption does not apply to those in the public service of the Crown (subsection (4)).
114. **Section 67(6)** introduces consent requirements prior to exercise of certain powers of entry on to Her Majesty’s private estates under the 2003 Act. It requires that powers of entry under sections 54(1) (powers of constables and water bailiffs to enter land), 64(1)(a) (power of Scottish Ministers to conduct enquiries and to obtain information) and 64A(1)(c) (powers in relation to salmon and freshwater fisheries: sampling etc) are only exercised with the consent of a person appointed by Her Majesty under the Royal Sign Manual or, if no such appointment is made, by the Scottish Ministers.