



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

2003 asp 15

PART 6

MISCELLANEOUS

64 Power of Scottish Ministers to conduct inquiries and to obtain information

- (1) For the purpose of protecting and developing stocks of salmon and trout the Scottish Ministers may—
- (a) conduct inquiries and investigations into questions of practical or scientific importance to salmon and freshwater fisheries, and for such purpose enter on and conduct such operations as may be necessary in any fishery, provided always that no damage shall be done to such fishery and that no interference shall be caused to the rights of the owner or occupier of such fishery;
 - (b) collect such statistics relating to the number of salmon caught in any salmon fishery and the species, description and weight, and method and date of capture of such salmon as they may consider necessary, and require any proprietor or occupier of a salmon fishery to furnish them with such statistics relating to such matters in such form and at such times as they may determine; and
 - (c) publish such statistics in such manner as they think fit.
- (2) Any proprietor or occupier of a fishery who wilfully refuses to comply with any requirement made in pursuance of this section, or makes any statement in relation to such a requirement which is false in a material particular, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

65 Additional powers in respect of licensing and regulation of salmon dealing

- (1) Without prejudice to the generality of section 44 of the Civic Government (Scotland) Act 1982 (c. 45) (power to designate additional activities as subject to licensing and regulation) an order as respects dealing in salmon made under that section may—
- (a) define dealing in salmon and so define it as to—
 - (i) include such acts preparatory to or connected with dealing in salmon;

- (ii) exclude dealing in such class or classes of salmon, as may be specified in the order;
 - (b) provide that the offence under section 7(1) of that Act (doing anything for which a licence is required without having one) shall be punishable—
 - (i) on summary conviction, by imprisonment for a term not exceeding three months, or a fine not exceeding the statutory maximum or both;
 - (ii) on conviction on indictment, by imprisonment for a term not exceeding two years, or a fine or both;
 - (c) provide that it shall be an offence for any person, other than a person holding a salmon dealer's licence, to buy salmon from or sell salmon to a person not having such a licence;
 - (d) provide that the offences under the said section 7(1) and any provision under paragraph (c) above shall be subject to such exceptions as may be specified in the order;
 - (e) provide that a licence shall be required only for such class or classes of dealing in salmon and dealing in such class or classes of salmon as may be specified in the order;
 - (f) provide as to the exercise of powers of entry and search by water bailiffs, but not so as to enable these powers to be exercised in any dwelling house or any yard, garden, outhouses and pertinents belonging thereto or usually enjoyed therewith.
- (2) The Scottish Ministers shall have power by order to prescribe the fees, or the maximum amounts of the fees, which the licensing authority may determine and charge under sub-paragraph (1) of paragraph 15 of Schedule 1 to the said Act of 1982 in respect of the licensing of dealing in salmon; and in that respect the licensing authority's powers under that paragraph shall be subject to the provisions of any such order.

66 Application of Leases Act 1449

- (1) Notwithstanding any rule of law to the contrary, any contract entered into in writing for a consideration and for a period of not less than a year whereby an owner of land to which a right of fishing for freshwater fish in any inland waters pertains or the occupier of such a right authorises another person to so fish shall be deemed to be a lease to which the Leases Act 1449 (c. 6) applies, and the right of fishing so authorised shall, for the purposes of succession to that right, be deemed to be heritable property.
- (2) For the purposes of this section “inland waters” does not include the tidal parts of rivers.