



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 2

SALMON FISHERIES, ETC.

Management

32 Consents for introduction of fish into inland waters

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is amended in accordance with this section.
- (2) In section 33A (unauthorised introduction of fish into inland waters)—
 - (a) in subsection (3), for “this section” substitute “ subsection (1) or (2) above ”,
 - (b) after subsection (3) insert—

“(3A) The appropriate authority may, in granting consent for the purposes of subsection (3)(b) above, impose conditions or requirements.

(3B) A person shall be guilty of an offence if the person—

 - (a) acts in contravention of any such condition or requirement; or
 - (b) fails to take any action required of the person by any such condition or requirement.

(3C) It is a defence for a person charged with an offence under subsection (3B)(b) above to show that the person had a reasonable excuse for failing to take the action mentioned in that subsection.”,
 - (c) after subsection (4) insert—

“(4A) Subsection (4) is subject to provision made in regulations under section 33B of this Act.”.
- (3) After section 33A insert—

Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 32. (See end of Document for details)

“33B Power to modify district salmon fishery boards' functions under section 33A

- (1) This section applies to the functions of the appropriate authority under section 33A(3)(b) and (3A) of this Act (the “consenting functions”) so far as the functions may be carried out by district salmon fishery boards.
- (2) The Scottish Ministers may by regulations—
 - (a) provide for the consenting functions to be carried out by the Scottish Ministers instead of district salmon fishery boards in specified cases or circumstances,
 - (b) provide for applications made to district salmon fishery boards for consent under section 33A of this Act to be referred to the Scottish Ministers in specified cases or circumstances,
 - (c) in relation to an application referred to the Scottish Ministers by virtue of provision made under paragraph (b) above, provide for the Scottish Ministers—
 - (i) to determine the application and to carry out the consenting functions in relation to the application, or
 - (ii) to issue directions to the district salmon fishery board to which the application was made about the determination of the application and the carrying out of the consenting functions in relation to the application.
- (3) Regulations under subsection (2) above may—
 - (a) make different provision for different purposes, including different provision for—
 - (i) different district salmon fishery districts, or
 - (ii) different inland waters or parts of such waters,
 - (b) include incidental, supplemental, consequential, transitional, transitory or saving provision.
- (4) In subsection (2) above, “specified” means specified in regulations under that subsection.”.

Commencement Information

II [S. 32](#) in force at 16.9.2013 by [S.S.I. 2013/249](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 32.