



# Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951

## 1951 CHAPTER 26

### PART IV

#### LEGAL PROCEDURE

#### 18 Penalties

- (1) Subject to the following provisions of this section a person guilty of an offence against this Act for which no penalty is expressly provided shall be liable—
  - (a) on summary conviction to
    - (i) a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment; and
    - (ii) in the case of a continuing offence to a further fine not exceeding ten pounds for every day during which the offence is continued; or
  - (b) on conviction on indictment to
    - (i) a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and imprisonment; and
    - (ii) in the case of a continuing offence to a further fine not exceeding twenty pounds for every day during which the offence is continued.
- (2) A conviction of any offence against this Act may be treated as a previous conviction for the purposes of the last foregoing subsection.
- (3) A conviction of an offence under any enactment repealed by this Act shall for the purposes of this Act be treated as if it had been a conviction under this Act.

**19 Forfeitures**

- (1) Any person who is convicted of an offence against Part I or section thirteen of this Act in respect of which no provision for any forfeiture is expressly made shall be liable to the forfeiture of any fish illegally taken by him or in his possession at the time of the offence and of any instrument or article by which the offence is committed.
- (2) Without prejudice to the operation of the last foregoing subsection any person who is convicted on indictment of an offence against Part I or section thirteen of this Act shall be liable to the forfeiture of any vehicle or boat used by him to assist in the commission of the offence.
- (3) Any vehicle or boat forfeited under the last foregoing subsection shall be disposed of as the court may direct.

**20 Disposal of fish seized under the Act**

Where under this Act any fish is seized as liable to forfeiture the person by whom it is seized may sell it and the net proceeds of the sale shall be liable to forfeiture in the same manner as the fish sold:

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred on him by this section.