



Mussel Fisheries (Scotland) Act 1847

1847 CHAPTER 92 10 and 11 Vict

An Act for the Protection of Mussel Fisheries in Scotland.

[22d July 1847]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1893 \(c. 14\)](#)

[1.] Persons unlawfully taking mussels from mussel beds deemed guilty of theft.

If any person in Scotland shall wilfully, knowingly, and wrongfully take and carry away any mussels or mussel brood from any mussel bed, scalp laying, or fishery, being the property and in the lawful occupation of any other person or persons or body corporate or politic, and sufficiently marked out or known as such, every such offender shall be deemed guilty of theft, and being guilty thereof shall be liable to be sentenced to imprisonment not exceeding the term of one year.

2 Persons unlawfully fishing or trespassing in any mussel fishery deemed guilty of an attempt to commit theft.

If any person shall unlawfully use any dredge, or any net or instrument or engine whatsoever, or shall trespass within the limits of any mussel bed, scalp laying, or fishery in Scotland, being the property and in the lawful occupation of any other person or persons or body corporate or politic, and sufficiently marked out or known as such, for the purpose of taking mussels or mussel brood, though none shall be actually taken, or shall, with any net, instrument, or engine, or with the hand or otherwise, drag or fish upon the ground or soil of any such mussel bed, scalp laying, or fishery, every such person shall be deemed guilty of an attempt to commit theft, and being convicted thereof before the [^{F1}sheriff principal of the sheriffdom] shall be liable to be punished by fine or imprisonment, or both, as the court shall award, such fine not to exceed [^{F2}level 1 on the standard scale], and such imprisonment not to exceed three calendar months.

Changes to legislation: There are currently no known outstanding effects for the Mussel Fisheries (Scotland) Act 1847. (See end of Document for details)

Textual Amendments

- F1** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4, **Sch. 1 para. 1**
- F2** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G, 457A**

3 Nothing to prevent persons, lawfully entitled, from fishing for floating fish.

Nothing in this Act contained shall prevent any person, lawfully entitled there to fish, from fishing for or catching any floating fish within the limits of any mussel fishery, with any net, instrument, or engine adapted for taking floating fish only.

4 Nothing to prevent persons from exercising legal rights.

Nothing in this Act contained shall prevent or be construed to prevent any person from exercising any right possessed by such person of taking bait, or any other right which may now be lawfully exercised by such person within the limits of any such fishery.

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Textual Amendments

- F3** [S. 5](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Mussel Fisheries (Scotland) Act 1847.