



Salmon Fisheries (Scotland) Act 1868

1868 CHAPTER 123 31 and 32 Vict

18 †Penalty for using roe.

[^{F1}(1)] . . . ^{F2} and every person that shall buy, sell, or expose for sale, or have in his possession, any salmon roe, shall for every such offence be liable to a penalty not exceeding two pounds, and shall forfeit all salmon roe found in his possession; but this [^{F3}subsection] shall not apply to any person who . . . ^{F4} gives any reason satisfactory to the court by whom he is tried for having the same in his possession.

[^{F5}(2) It shall be a defence for a person charged with an offence under subsection (1) above to prove—

- (a) that the roe had been produced in the course of fish farming within the meaning given by section 33(6) of the Fisheries Act 1981 ^{F6}; or
- (b) that he believed on reasonable grounds that it had been so produced.

(3) Subsection (2) above is without prejudice to the provisions of subsection (1) above relating to the circumstances in which subsection (1) above does not apply.]

Textual Amendments

- F1** S. 18 renumbered as s. 18(1) (30.4.1996) by S.I. 1996/1211, **art. 2(1)(3)**
- F2** Words repealed by [Salmon and Freshwater Fisheries \(Protection\) \(Scotland\) Act 1951](#) (c. 26), **Sch. 2**
- F3** Word in [s. 18\(1\)](#) substituted (31.4.1996) by S.I. 1996/1211, **art. 2(1)**
- F4** Words repealed by [Salmon Act 1986](#) (c. 62, SIF 52:2), s. 41, **Sch. 4 para. 3(1)**
- F5** [S. 18\(2\)\(3\)](#) added (30.4.1996) by S.I. 1996/1211, **art. 2(2)(3)**
- F6** [1981 c.29](#).

Modifications etc. (not altering text)

- C1** Unreliable marginal note
- C2** [S. 18](#) excluded by [Salmon Act 1986](#) (c. 62, SIF 52:2), **ss. 28(2)(b)(iii)**, 29
- C3** [S. 18](#) amended by [Freshwater and Salmon Fisheries \(Scotland\) Act 1976](#) (c. 22), s. 6, **Sch. 2**

Changes to legislation:

There are currently no known outstanding effects for the Salmon Fisheries (Scotland) Act 1868, Section 18.