



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

2003 asp 15

## PART 1

### METHODS OF FISHING AND OFFENCES RELATED TO FISHING

#### *Protection of young salmon*

#### **23 Young salmon and spawning beds**

- (1) Any person who—
  - (a) knowingly takes, injures or destroys;
  - (b) buys, sells, exposes for sale or is in possession of; or
  - (c) places any device or engine for the purpose of obstructing the passage of, any smolt, parr, salmon fry or alevin shall be guilty of an offence.
- (2) Any person who knowingly—
  - (a) injures or disturbs any salmon spawn; or
  - (b) disturbs any spawning bed or any bank or shallow in which the spawn of salmon may be,  
shall be guilty of an offence.
- (3) Any person who during the annual close time obstructs or impedes salmon in their passage to any such bed, bank or shallow shall be guilty of an offence.
- (4) Subsections (1) to (3) above shall not apply to acts done in the course of cleaning or repairing any dam or mill-lade, or in the exercise of rights of property in the bed of any river or stream.
- (5) Notwithstanding subsections (1) to (3) above and subject to subsection (6) below, a district salmon fishery board may, with the consent of all the proprietors of salmon fisheries in any river or estuary, adopt such means as they think fit for preventing the ingress of salmon into narrow streams in which they or the spawning beds are from the nature of the channel liable to be destroyed.

- (6) Nothing done under subsection (5) above may interfere with any water rights used or enjoyed for the purposes of manufacture, agriculture or drainage.
- (7) A person who commits an offence under this section may be convicted on the evidence of one witness, and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **24      Unauthorised introduction of salmon or salmon eggs into certain waters**

- (1) A person who intentionally introduces any salmon or salmon eggs into inland waters in a salmon fishery district for which there is a district salmon fishery board shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) A person shall not be guilty of an offence under this section in respect of the introduction of salmon or salmon eggs into such waters if—
  - (a) the district salmon fishery board for the salmon fishery district in which the waters are situated have previously consented in writing; or
  - (b) the waters constitute or are included in a fish farm.