



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

2003 asp 15

PART 1

METHODS OF FISHING AND OFFENCES RELATED TO FISHING

^{F1}Unauthorised introduction of fish into inland waters

Textual Amendments

F1 S. 33A and preceding cross heading inserted (1.8.2008) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\)](#), **ss. 35(2), 45(2)** (with s. 39); S.S.I. 2007/333, art. 2(2)

33A Unauthorised introduction of fish into inland waters

- (1) A person shall be guilty of an offence if the person intentionally introduces any live fish or live spawn of any fish into inland waters.
 - (2) A person shall be guilty of an offence if the person possesses any live fish or live spawn of any fish with the intention of introducing it into inland waters.
 - (3) A person shall not be guilty of an offence under [^{F2}subsection (1) or (2) above] if—
 - (a) the inland waters concerned constitute or are included in a fish farm, or
 - (b) the appropriate authority have previously consented in writing.
- [The appropriate authority may, in granting consent for the purposes of subsection (3) ^{F3}(3A) (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.

*Changes to legislation: There are currently no known outstanding effects for the
 Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, Cross Heading:
 Unauthorised introduction of fish into inland waters. (See end of Document for details)*

(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.]

(4) Where—

- (a) the fish concerned are salmon or the spawn concerned are salmon spawn, and
- (b) the inland waters concerned are in a salmon fishery district for which there is a district salmon fishery board,

the district salmon fishery board are the appropriate authority.

In any other case the Scottish Ministers are the appropriate authority.

[Subsection (4) is subject to provision made in regulations under section 33B of this ^{F4}(4A) Act.]

(5) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) A person who commits an offence under this section may be convicted on the evidence of one witness.]

Textual Amendments

- F2** Words in s. 33A(3) substituted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 32(2)(a)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F3** S. 33A(3A)-(3C) inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 32(2)(b)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F4** S. 33A(4A) inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 32(2)(c)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2

[^{F5}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.

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, Cross Heading: Unauthorised introduction of fish into inland waters. (See end of Document for details)

- (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.]

Textual Amendments

F5 S. 33B inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 32(3), 66(2)** (with s. 65); [S.S.I. 2013/249](#), art. 2

Changes to legislation:

There are currently no known outstanding effects for the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, Cross Heading: Unauthorised introduction of fish into inland waters.