



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

2003 asp 15

PART 1

METHODS OF FISHING AND OFFENCES RELATED TO FISHING

Offences related to fishing for salmon and freshwater fish

5 Prohibition against using explosive and other noxious substances for the destruction or taking of fish

- (1) Any person who—
- (a) uses any explosive substance with intent to take or destroy fish in any waters (including the sea up to 22 kilometres from the baselines from which the breadth of the territorial sea is measured);
 - (b) puts any poison or other noxious substance in or near any such waters with intent to take or destroy fish; or
 - (c) uses any electrical device with intent to stun or destroy salmon or freshwater fish in any such waters,
- shall be guilty of an offence.
- (2) Without prejudice to section 294 (attempts to commit crime) of, and paragraph 10 of Schedule 3 to, the Criminal Procedure (Scotland) Act 1995 (c. 46), any person who attempts to commit or who does any act preparatory to the commission of an offence mentioned in subsection (1) above shall be guilty of an offence, and liable to the same punishment as if that person had committed the offence mentioned.
- (3) A person found guilty of an offence under this section shall be liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both a fine and such imprisonment.