



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

2003 asp 15

PART 6

MISCELLANEOUS

65 Additional powers in respect of licensing and regulation of salmon dealing

- (1) Without prejudice to the generality of section 44 of the Civic Government (Scotland) Act 1982 (c. 45) (power to designate additional activities as subject to licensing and regulation) an order as respects dealing in salmon made under that section may—
- (a) define dealing in salmon and so define it as to—
 - (i) include such acts preparatory to or connected with dealing in salmon;
 - (ii) exclude dealing in such class or classes of salmon,as may be specified in the order;
 - (b) provide that the offence under section 7(1) of that Act (doing anything for which a licence is required without having one) shall be punishable—
 - (i) on summary conviction, by imprisonment for a term not exceeding three months, or a fine not exceeding the statutory maximum or both;
 - (ii) on conviction on indictment, by imprisonment for a term not exceeding two years, or a fine or both;
 - (c) provide that it shall be an offence for any person, other than a person holding a salmon dealer's licence, to buy salmon from or sell salmon to a person not having such a licence;
 - (d) provide that the offences under the said section 7(1) and any provision under paragraph (c) above shall be subject to such exceptions as may be specified in the order;
 - (e) provide that a licence shall be required only for such class or classes of dealing in salmon and dealing in such class or classes of salmon as may be specified in the order;
 - (f) provide as to the exercise of powers of entry and search by water bailiffs, but not so as to enable these powers to be exercised in any dwelling house or any yard, garden, outhouses and pertinents belonging thereto or usually enjoyed therewith.

Status: This is the original version (as it was originally enacted).

- (2) The Scottish Ministers shall have power by order to prescribe the fees, or the maximum amounts of the fees, which the licensing authority may determine and charge under sub-paragraph (1) of paragraph 15 of Schedule 1 to the said Act of 1982 in respect of the licensing of dealing in salmon; and in that respect the licensing authority's powers under that paragraph shall be subject to the provisions of any such order.