

AQUACULTURE AND FISHERIES (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT

Part 3: Salmon and Freshwater Fisheries

Salmon and freshwater fisheries

Section 20 – Rod and line

49. Section 20 inserts section 3A into the 2003 Act. Section 3A(1) provides that a person shall be treated as fishing by rod and line for the purposes of the 2003 Act in the circumstances set out in section 3A(2), (3) and (4).
50. Section 3A(2) provides that a person is treated as fishing by rod and line for the purposes of the 2003 Act where that person is fishing for or taking salmonids (defined in section 3A(5)) and is not doing so from a boat, subject to the condition that the person is using a single rod and line which is being held by that person.
51. Section 3A(3) provides that a person is treated as fishing by rod and line for the purposes of the 2003 Act where that person is fishing for or taking freshwater fish other than salmonids (“freshwater fish” is defined in section 69 of the 2003 Act) and is not doing so from a boat, subject to the condition that the person uses no more than four rods and line at any one time.
52. Section 3A(4) provides that a person is treated as fishing by rod and line for the purpose of the 2003 Act where that person is fishing for or taking fish (whether salmonids or not) and is doing so from a boat, subject to the condition that no more than four rods and line are used on the boat at any time.
53. Section 20(2) repeals the word “single” in section 4(1) of the 2003 Act and substitutes the term “foul hooking” for the words “pointing or by striking or dragging fish” where they appear in section 4(1) of the 2003 Act. The term “foul hooking” is defined in section 20(2)(c) (inserted subsection (3)). The effect of these amendments is to make it clear what is meant by foul hooking and that foul hooking is unlawful. Subsection 20(2) (b) amends section 4(2) of the 2003 Act so as to prohibit the use of live vertebrates as bait. Subsection 21(2)(c) (inserted subsection (3)) also provides a definition of “set line” as a fishing line left unattended in water and having attached to it one or more baited hooks. Accordingly, it is prohibited to leave any fishing line with one or more lures or baited hooks in water unattended.