



# Aquaculture and Fisheries (Scotland) Act 2007

2007 asp 12

## PART 3

### SALMON AND FRESHWATER FISHERIES

#### 21 Prohibition against using pike gags and certain keepnets

After section 5 of the 2003 Act, insert—

##### **“5A Prohibition against using pike gags and certain keepnets**

- (1) Any person who uses a pike gag in relation to the fishing for or taking of fish shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Any person who uses—
  - (a) a knotted keepnet (that is, a keepnet the mesh of which is knotted),
  - (b) a metallic keepnet, (that is, a keepnet the mesh of which is made of metallic material),in relation to the fishing for or taking of fish shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Without prejudice to section 294 (attempts to commit crime) of, and paragraph 10 of Schedule 3 to, the Criminal Procedure (Scotland) Act 1995, any person who attempts to commit or who does any act preparatory to the commission of the offence mentioned in subsection (1) or (2) above shall be guilty of an offence, and liable to the same punishment as if that person had committed the offence mentioned.
- (4) In subsection (1), “pike gag” means a device used for the purpose of keeping the jaws of a fish open by inserting it into the mouth of the fish.”