



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

2003 asp 15

## PART 1

### METHODS OF FISHING AND OFFENCES RELATED TO FISHING

#### *Close times for salmon*

#### **13 Weekly close time for salmon**

- (1) The weekly close time for salmon shall extend from the hour of six in the evening on Friday to the hour of six on the following Monday morning.
- (2) No person shall fish for or take salmon during Sunday.
- (3) No person shall fish for or take salmon (except during Friday, Saturday or Monday by rod and line) during the weekly close time.
- (4) Any person who contravenes this section shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) A person who commits an offence under this section may be convicted on the evidence of one witness.
- (6) This section is subject to section 31(5) of this Act.

#### **14 Fishing for salmon during annual close time**

- (1) Subject to subsection (2) below, any person who fishes for or takes salmon during the annual close time within the meaning of section 37 of this Act shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (2) It shall not be an offence to fish for or take salmon by means of rod and line at any period within the annual close time when such fishing is permitted by the regulations or, as the case may be, byelaws in force in the district in which the fishing occurs.

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

## **15 Removal of boats and nets during annual close time**

- (1) The proprietor or occupier of any salmon fishery shall within thirty-six hours after the commencement of the annual close time—
- (a) remove and carry from such fishery, and from the landing places and grounds adjacent thereto, all boats, oars, nets, engines and other tackle used or employed by such occupier in taking salmon; and
  - (b) effectually secure the same so as to prevent their being used in fishing until the end of the close time,
- with the exception of such boats and oars as may be used in angling.
- (2) The proprietor or occupier of any cruive shall within thirty-six hours after the commencement of the annual close time—
- (a) remove and carry away all the hecks, rails and inscales;
  - (b) effectually secure the same so as to prevent their being used in fishing; and
  - (c) remove all planks and temporary fixtures and other obstructions to the free passage of fish through the cruive.
- (3) Any proprietor or occupier who fails to comply with the duty imposed by subsection (1) or, as the case may be, (2) above shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) A person who commits an offence under this section may be convicted on the evidence of one witness.
- (5) Nothing in this section applies to—
- (a) any ferry-boat or prevents the continued use of any boat by the owner, or the family of the owner, of lands, if the boat has the owner's name painted on it, and is secured, when not in use for lawful purposes, by lock and key;
  - (b) the pins fixed in the ground to assist in the support of the stakes or poles of fly nets or other stake nets;
  - (c) the fastenings fixed in rocks for the support of bag nets; or
  - (d) the pins and poles of certificated fixed engines.

## **16 Buying and selling salmon in close time**

- (1) Any person who buys, sells, exposes for sale or is in possession of, any salmon taken within the limits of this Act during the period when the annual close time is in force in every salmon fishery district and in the River Tweed, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) It shall be a defence to a prosecution brought under this section for the accused to prove that the salmon was caught lawfully.
- (3) The burden of proving that any salmon was caught beyond the limits of this Act shall lie on the person charged with selling, exposing for sale, or being in possession of, the salmon.

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