

## SCHEDULES

### SCHEDULE 4

Section 33.

#### EXEMPTIONS FOR FISH FARMING

##### PART I

##### OFFENCES TO WHICH SECTION 33(1) OF THIS ACT APPLIES

###### *Offences under the Salmon and Freshwater Fisheries Act 1975*

- 1 Any offence under section 2(2)(a) of the Salmon and Freshwater Fisheries Act 1975 (taking, killing or injuring, or attempting to take, kill or injure, unclean or immature fish).
- 2 Any offence under section 3 of that Act (restriction on shooting or working seine or draft net in certain waters and prohibition on use of certain nets).
- 3 Any offence under section 5(1) of that Act (prohibition on use of explosives, poison or electrical devices to take or destroy fish) relating to the use of a noxious substance or electrical device, and any offence under section 5(4) of that Act relating to the possession of such a substance or device.
- 4 Any offence under section 19 of that Act (fishing for, taking or killing or attempting to take or kill fish during close seasons or close times).
- 5 Any offence under section 27 of that Act (fishing for or faking fish without a licence or possession of equipment with intent to use it for an unlicensed purpose).
- 6 Any offence under section 28(7) of that Act (infringement of byelaws) consisting of a contravention of a byelaw made for a purpose mentioned in any of the following paragraphs of Schedule 3 to that Act—
  - (a) paragraph 21 or 25 (descriptions of nets and other instruments which may be used for taking fish and restrictions on their use);
  - (b) paragraph 23 or 24 (restrictions on carrying of certain nets);
  - (c) paragraph 26 (taking or removing fish from water without lawful authority);
  - (d) paragraph 28 (taking fish of less than prescribed size).

###### *Offences relating to sea fishing*

- 7 Any offence consisting of a contravention of a byelaw made under section 4 of the Sea Fisheries (Scotland) Amendment Act 1885 (byelaws prohibiting or regulating methods of fishing).
- 8 Any offence under section 6(1) of the Herring Fishery (Scotland) Act 1889 (prohibition on beam or otter trawling in certain areas) and any offence consisting of

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- a contravention of a byelaw made under section 7(1) of that Act (power to prohibit beam or otter trawling in certain other areas).
- 9 Any offence under section 1 of the Trawling in Prohibited Areas Prevention Act 1909 of landing fish caught by beam or otter trawling within a prohibited area.
- 10 Any offence consisting of a contravention of a byelaw made under section 5 of the Sea Fisheries Regulation Act 1966 (byelaws for the regulation of sea fishing).
- 11 Any offence under section 17 of the Sea Fisheries (Shellfish) Act 1967 of taking an edible crab or landing a lobster in a condition prohibited by subsection (1) or (3) of that section.
- 12 Any offence under section 1(1) or (3) of the Sea Fish (Conservation) Act 1967 (landing or carrying fish smaller than prescribed size).
- 13 Any offence under section 3(5) of that Act (contravention of order regulating nets and gear).
- 14 Any offence under section 4(3) or (9A) of that Act (contravention of order prohibiting fishing without licence and failure to return to sea fish caught in contravention of such a prohibition).
- 15 Any offence under section 4A(3) of that Act (contravention of order prohibiting trans-shipment of fish without licence).
- 16 Any offence under section 5(1) or (6) of that Act (contravention of order prohibiting fishing and failure to return to sea fish caught in contravention of such a prohibition).
- 17 Any offence under section 6 of that Act (landing or trans-shipping fish in contravention of order).

## PART II

### OFFENCES TO WHICH SECTION 33(5) OF THIS ACT APPLIES

#### *Offences relating to freshwater fish and salmon*

- 18 Any offence under section XI of the Solway Act 1804 (possessing, selling or offering or exposing to sale certain fish out of season, and certain fish at any time).
- 19 Any offence under section LXXIV of the Tweed Fisheries Act 1857 of wilfully selling, purchasing or possessing smolt, fry, or young brood or spawn.
- 20 Any offence under section X of the Tweed Fisheries Amendment Act 1859 (possession during close season of fish taken or caught in river, and selling or offering for sale or exchange fish caught between 15th September and 14th February).
- 21 Any offence under section 3 of the Salmon Acts Amendment Act 1863 (exporting or entering for export unclean or unseasonable salmon and salmon caught at a time when their sale is prohibited).
- 22 Any offence under section 20 of the Salmon Fisheries (Scotland) Act 1868 of buying, selling, exposing for sale or having in possession unclean or unseasonable salmon.

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- 23 Any offence under section 21 of that Act (buying, selling, exposing for sale or having in possession salmon taken in close season).
- 24 Any offence under section 1 of the Freshwater Fish (Scotland) Act 1902 of having possession of trout in close season.
- 25 Any offence under section 2 of the Trout (Scotland) Act 1933 (purchase, sale, exposing or consigning for sale, export or consigning for export trout under 8" or between 1st September and 31st March).
- 26 An offence under section 2(2)(b) of the Salmon and Freshwater Fisheries Act 1975 (buying, selling, exposure for sale or possession of unclean or immature fish or parts of such fish).
- 27 Any offence under section 22(1) of that Act (buying, selling, exposure for sale or possession for sale of fish at prohibited times of year).
- 28 Any offence under subsection (3) of section 23 of that Act of entering for export or exporting fish contrary to subsection (1) of that section (unclean fish and fish caught at a time when their sale is prohibited).

*Offences relating to sea fishing*

- 29 Any offence under section 1 of the Trawling in Prohibited Areas Prevention Act 1909 of selling fish caught by beam or otter trawling within a prohibited area.
- 30 Any offence under section 16 of the Sea Fisheries (Shellfish) Act 1967 (sale, exposure for sale, buying for sale or consignment for the purpose of sale of oysters at prohibited times of year).
- 31 Any offence under section 17(1) of that Act of possessing, selling or offering for sale, buying for sale or consigning for the purpose of sale an edible crab in a condition prohibited by that subsection.
- 32 Any offence under section 17(3) of that Act of selling, exposing or offering for sale, or possessing for the purpose of sale a lobster in a condition prohibited by that subsection.
- 33 Any offence under section 1(2) of the Sea Fisheries (Conservation) Act 1967 (selling, exposing or offering for sale, or possessing for the purpose of sale fish smaller than the prescribed size).
- 34 Any offence under section 2 of that Act (possession for use in the course of a business of fish prohibited from being sold under section 1(2) of that Act).