

*Changes to legislation: There are currently no known outstanding effects for the Salmon Act 1986, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

Section 41.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Salmon Fisheries (Scotland) Act 1868 (c. 123.)*

- 1 [F1After section 1 of the Salmon Fisheries (Scotland) Act 1868 there shall be inserted the following section—

**“ Expressions used in this Act.**

In this Act, unless the context otherwise requires the expressions “board” or “district salmon fishery board”, “district” or “salmon fishery district”, “fishery”, “proprietor”, “salmon” and “river” shall have the meanings ascribed to them in section 40(1) of the Salmon Act 1986 (interpretation).”.]

**Textual Amendments**

- F1** Sch. 4 paras. 1-5 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

- 2 [F1In section 11 of that Act (application to streams not frequented by salmon), for the words “mill dams” there shall be substituted the words “dams, including mill dams”.]

**Textual Amendments**

- F1** Sch. 4 paras. 1-5 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

- 3 [F1(1) In section 18 of that Act (offence of buying, selling, possessing etc. of salmon roe), the words from “uses” to “purposes, or” shall be omitted.
- (2) In section 19 (offences in relation to young salmon, salmon spawn, spawning beds etc.), the words from “for the purpose” in the second place where they occur to “purpose, or” shall be omitted.
- (3) In section 20 (offences in relation to unclean or unseasonable salmon), the words from “or to any person” onwards shall be omitted.]

**Textual Amendments**

- F1** Sch. 4 paras. 1-5 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

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- 4           <sup>[F1]</sup>In the said section 19, for the word “wilfully” there shall be substituted the word “knowingly”.]

**Textual Amendments**

- F1** Sch. 4 paras. 1-5 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

- 5           <sup>[F1]</sup>In section 41 of that Act (extent), the words from “and Schedule G” to “Schedule” shall be omitted.]

**Textual Amendments**

- F1** Sch. 4 paras. 1-5 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

*Diseases of Fish Act 1937 (c.33)*

- 6           <sup>[F2]</sup>In subsection (3) of section 8 of the Diseases of Fish Act 1937 (penalties and legal proceedings) for the words after “be” there shall be substituted the words “proceeded against and punished in Scotland”.]

**Textual Amendments**

- F2** Sch. 4 para. 6 omitted (E.W.) (27.3.2009) by virtue of [Aquatic Animal Health \(England and Wales\) Regulations 2009 \(S.I. 2009/463\)](#), reg. 1(2), **Sch. 2 para. 7(b)** (with reg. 2(2)) and Sch. 4 para. 6 omitted (S.) (27.3.2009) by virtue of [Aquatic Animal Health \(Scotland\) Regulations 2009 \(S.S.I. 2009/85\)](#), reg. 1(2)(c), **sch. 2 para. 7(b)** (with reg. 2.)

*Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c. 26)*

- 7           <sup>[F3]</sup>In section 1 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (prohibition of poaching), for the words “low water mark” there shall be substituted the words “mean low water springs”.]

**Textual Amendments**

- F3** Sch. 4 paras. 7-10 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

- 8           <sup>[F3]</sup>Section 9 of that Act (saving for acts done for scientific and other purposes) shall be renumbered as subsection (1) of that section and—
- (a) in that subsection the words from “or”, or where fourthly occurring, onwards shall cease to have effect; and
  - (b) after that subsection there shall be added the following subsection
 

“(2) This section does not apply to an act relating to salmon.”.]

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#### Textual Amendments

**F3** Sch. 4 paras. 7-10 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

- 9 [F3 In section 15(1)(c) of that Act (power of Secretary of State to conduct inquiries and to obtain information), the words from “so as to show” to the end of that subsection shall be omitted.]

#### Textual Amendments

**F3** Sch. 4 paras. 7-10 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

- 10 [F3 In section 19(2) of that Act (forfeitures) the words “on indictment” shall be omitted.]

#### Textual Amendments

**F3** Sch. 4 paras. 7-10 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

- 11 In section 22 of that Act (provisions as to River Tweed), for the reference to the Board of Commissioners of the River Tweed there shall be substituted a reference to the council constituted under section 6 of the <sup>M1</sup>Tweed Fisheries Act 1969.

#### Marginal Citations

**M1** 1969 c. xxiv.

- 12 [F4 In section 24 of that Act (interpretation), for the entries relating to “District” and “District Board” there shall be substituted the following entries—

““District” and “Salmon Fishery District” shall be deemed to include the River Tweed;

“District Board” and “District Salmon Fishery Board” shall include the council constituted under section 6 of the Tweed Fisheries Act 1969;”.]

#### Textual Amendments

**F4** Sch. 4 para. 12 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

#### *Salmon and Freshwater Fisheries Act 1975 (c. 51)*

- 13 In section 39 of the Salmon and Freshwater Fisheries Act 1975 (Border rivers and Solway Firth), after subsection (4) there shall be added the following subsection—

“(5) Nothing in this section shall authorise a water authority to take legal proceedings in Scotland in respect of an offence against this Act.”.

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- 14 In section 43(3) of that Act (Scottish extent), for the words “and (4)” there shall be substituted the words “(4) and (5)”.

*Freshwater and Salmon Fisheries (Scotland) Act 1976 (c. 22)*

- 15 [F5(1) In section 7(5) of the Freshwater and Salmon Fisheries (Scotland) Act 1976 (fish farmers to be exempted from certain offences)—
- (a) the word “4” shall be omitted; and
  - (b) after the word “8” there shall be inserted the words “, 8A”.
- (2) In Part I of Schedule 3 to that Act (offences from which fish farmers are to be exempted)—
- (a) paragraph 4 shall be omitted; and
  - (b) after paragraph 8 there shall be inserted the following paragraph—
- “(8A) In the Salmon Act 1986, regulations made under section 3(2)(a) or (d) (general regulations).”.]

**Textual Amendments**

- F5** Sch. 4 para. 15 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

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