



Oyster Fisheries (Scotland) Act 1840

1840 CHAPTER 74

An Act for the better Protection of the Oyster Fisheries in *Scotland*. [7th August 1840]

WHEREAS it is expedient that the Benefit of certain Enactments contained in an Act of Parliament passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, for the Protection of Oyster Fisheries in *England*, should be extended to *Scotland*:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Penalty for stealing Oysters or Oyster Brood.

That if any Person in that Part of the United Kingdom called *Scotland* shall wilfully and knowingly take and carry away any Oysters or Oyster Brood from any Oyster Bed, Laying, or Fishery, being the Property of any other Person or Persons, Body Corporate or Politic, and sufficiently marked out or known as such, every such Offender shall be deemed guilty of Theft, and being guilty thereof shall be liable to be sentenced to Imprisonment not exceeding the Term of One Year.

II Penalty for using Dredges, &c. within Limits of Oyster Fisheries.

And be it enacted, That if any Person shall unlawfully and wilfully use any Dredge, or any Net, Instrument, or Engine whatsoever, within the Limits of any such Oyster Fishery in *Scotland*, for the Purpose of taking Oysters or Oyster Brood, although none shall be actually taken, or shall with any Net, Instrument, or Engine drag upon the Ground or Soil of any such Fishery, every such Person shall be deemed guilty of an Attempt to commit Theft, and being convicted thereof shall be liable to be punished by Fine or Imprisonment, or both, as the Court shall award; such Fine not to exceed Twenty Pounds, and such Imprisonment not to exceed Three Calendar Months.

Status: This is the original version (as it was originally enacted).

III Not to extend to Persons fishing for floating Fish.

Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person from catching or fishing for any floating Fish within the Limits of any Oyster Fishery, with any Net, Instrument, or Engine adapted for taking floating Fish only.

IV Act not to prevent Persons exercising Rights they now enjoy.

Provided always, and be it enacted, That nothing in this Act contained shall prevent or be construed to prevent any Person or Persons from exercising any Right which may now be lawfully exercised within the Limits of any such Fishery.