

SCHEDULES

SCHEDULE 4

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

Status: This is the original version (as it was originally enacted).

- 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).