



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART III

TIMES OF FISHING AND SELLING AND EXPORTING FISH

19 Close seasons and close times

- (1) Schedule 1 to this Act shall have effect in relation to the close seasons and close times for the descriptions of fish there specified.
- (2) Subject to subsection (3) below, any person who fishes for, takes, kills or attempts to take or kill salmon—
 - (a) except with a rod and line or putts and putchers, during the annual close season or weekly close time ; or
 - (b) with a rod and line during the annual close season for rod and line ; or
 - (c) with putts and putchers, during the annual close season for putts and putchers, shall be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (2) above in respect of any act done for the purpose of the artificial propagation of fish, or for some scientific purpose, if he has obtained the previous permission in writing of the water authority in whose area the act was done.
- (4) Subject to subsection (5) below, any person who fishes for, takes, kills or attempts to take or kill trout other than rainbow trout—
 - (a) except with a rod and line, during the annual close season or weekly close time for trout; or
 - (b) with a rod and line during the annual trout close season for rod and line, shall be guilty of an offence.
- (5) A person shall not be guilty of an offence under subsection (4) above in respect of any act done for the purpose of the artificial propagation of fish or the stocking or restocking of waters, or for some scientific purpose, if he has obtained the previous permission in writing of the water authority in whose area the act was done.

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- (6) Subject to subsection (8) below, any person who, during the annual close season for freshwater fish, fishes for, takes, kills, or attempts to take or kill, any freshwater fish in any inland water, or fishes for eels by means of a rod and line in any such water, shall be guilty of an offence.
- (7) Subject to subsection (8) below, any person who, during the annual close season for rainbow trout, fishes for, takes, kills or attempts to take or kill, any rainbow trout in any inland water, or fishes for eels by means of a rod and line in any such water, shall be guilty of an offence.
- (8) Subsections (6) and (7) above do not apply—
 - (a) to the removal by the owner or occupier, from any several fishery where salmon or trout are specially preserved, of any eels, freshwater fish or rainbow trout not so preserved;
 - (b) to any person fishing with rod and line in any such fishery with the previous permission in writing of its owner or occupier ;
 - (c) to any person fishing with rod and line for eels in any waters in which such fishing is authorised by a byelaw ;
 - (d) to the taking of freshwater fish or rainbow trout for scientific purposes;
 - (e) to the taking of freshwater fish for bait—
 - (i) in a several fishery with the permission in writing of its owner or occupier, or
 - (ii) in any other fishery, unless the taking would contravene a byelaw.

20 Close seasons and close times-fixed engines and obstructions

- (1) Subject to subsections (4) and (5) below, immediately after the commencement of the annual close season and the weekly close time, the occupier of any fixed engine for taking salmon or migratory trout shall cause it to be removed or rendered incapable of taking them or obstructing their passage.
- (2) Subject to subsections (4) and (5) below, where in pursuance of subsection (1) above a fixed engine has been rendered incapable (whether by removal or otherwise) of taking salmon or migratory trout or obstructing their passage, its occupier shall not replace it or otherwise render it capable of taking them or obstructing their passage until the end of the close season or close time.
- (3) If any person—
 - (a) fails to comply with subsection (1) or (2) above ; or
 - (b) during the annual close season or weekly close time places any obstruction, uses any contrivance or does any act, for the purpose of deterring salmon or migratory trout from passing up a river,
 he shall be guilty of an offence.
- (4) Subsections (1) to (3) above only apply to putts and putchers in relation to the close season for putts and putchers.
- (5) It shall be a defence for a person charged with an offence under subsection (3)(b) above to show that he placed the obstruction, used the contrivance or did the acts in question in the course of legally fishing for fish other than salmon or migratory trout.
- (6) In this section " migratory trout" does not include rainbow trout.

21 Eel baskets etc.

- (1) Subject to subsection (2) below, any person who—
- (a) before 25th June in any year, hangs, fixes or uses in any waters frequented by salmon or migratory trout any baskets, nets, traps or devices for catching eels, or places in any inland water any device whatsoever to catch or obstruct any fish descending the river ; or
 - (b) at any time places upon the apron of any weir any basket, trap or device for taking fish, except wheels or leaps for taking lamperns between 1st August and the following 1st March,
- shall be guilty of an offence.
- (2) Subsection (1) above does not prohibit—
- (a) the use of eel baskets not exceeding in any part 10 inches in diameter constructed so as to be fished with bait, and not used at any dam or other obstruction or in any conduit or artificial channel by which water is deviated from a river; or
 - (b) any device for taking eels in such places, during such time and subject to such conditions as may be authorised by the water authority for the area with the consent of the Minister.

22 Sale of salmon and trout

- (1) Subject to subsections (2) and (3) below, any person who buys, sells, or exposes for sale or has in his possession for sale—
- (a) any salmon between 31st August and the following 1st February; or
 - (b) any trout other than rainbow trout between 31st August and the following 1st March,
- shall be guilty of an offence.
- (2) Subsection (1) above shall not apply to any person buying, selling or exposing for sale, or having in his possession for sale—
- (a) any salmon or trout which has been canned, frozen, cured, salted, pickled, dried or otherwise preserved outside the United Kingdom ; or
 - (b) any salmon which has been canned, frozen, cured, salted, pickled, dried or otherwise preserved in the United Kingdom between 1st February and 31st August; or
 - (c) any trout which has been canned, frozen, cured, salted, pickled, dried or otherwise preserved within the United Kingdom between 1st March and 31st August; or
 - (d) any salmon or trout (other than an unclean salmon or trout) caught outside the United Kingdom; or
 - (e) any salmon or trout (other than an unclean or immature salmon or trout) caught within the United Kingdom, if its capture by any net, instrument or device was lawful at the time and in the place where it was caught.
- (3) A person shall not be guilty of an offence in respect of trout under this section for any act done for the purpose of the artificial propagation of fish, or the stocking or restocking of waters, or for some scientific purpose.
- (4) The burden of proving that any salmon or trout bought, sold, exposed for sale or in the possession of any person for sale between the dates mentioned in paragraph (a) or

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(b) of subsection (1) above is not bought, sold, exposed for sale or in the possession of that person for sale in contravention of this section shall lie on the person buying, selling or exposing it for sale, or having it in his possession for sale.

23 Export of salmon and trout

- (1) No person shall export or enter for export any unclean salmon or trout or any salmon or trout caught during the time at which the sale of salmon or trout is prohibited where the salmon or trout was caught.
- (2) All salmon or trout intended for export between 31st August and the following 1st May shall before shipment be entered for that purpose with the proper officer of Customs and Excise, at the port or place of intended export.
- (3) If any salmon or trout is entered for export, or exported or brought to any wharf, quay or other place for export, contrary to this section, or is not entered as required by this section, the salmon or trout and any package containing it shall be deemed to be goods liable to be forfeited under the enactments relating to customs, and the person entering or exporting the salmon or trout, or bringing it for export, or failing to enter the salmon or trout as required by this section, shall be guilty of an offence.
- (4) Any officer of Customs and Excise may, between 31st August and the following 1st May, open or cause to be opened any parcel entered or intended for export, or brought to any quay, wharf or other place for that purpose, and suspected by him to contain salmon or trout, and may detain or cause to be detained any salmon or trout found in the parcel until proof is given of the salmon or trout being such as may be legally exported; and if the salmon or trout becomes unfit for human food before such proof is given, the officer may destroy it or cause it to be destroyed.
- (5) The burden of proving that any salmon or trout entered for export between 31st August and the following 1st May is not so entered in contravention of this section shall lie on the person entering it.

24 Consignment of salmon and trout

- (1) A person who consigns or sends a package containing salmon or trout by any common or other carrier shall be guilty of an offence unless the outside of the package containing it is conspicuously marked "salmon" or "trout", as the case may be.
- (2) An authorised officer may open any package consigned or sent by a carrier, or brought to any place to be so consigned or sent, and suspected to contain salmon or trout.
- (3) If any such package is found to contain salmon or trout and is not marked in accordance with this section, or if there is reasonable cause to suspect that the salmon or trout contained in any marked package is being dealt with contrary to law, an authorised officer may detain the package and its contents until proof is given that the salmon or trout is not being so dealt with.
- (4) The power to detain salmon or trout conferred by subsection (3) above shall be exercisable also in relation to salmon or trout not packed in a package.
- (5) If any salmon or trout detained under this section becomes unfit for human food before the proof required by subsection (3) above is given, an authorised officer may destroy it or cause it to be destroyed.

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- (6) If any person refuses to allow an authorised officer to exercise the powers conferred by this section, or obstructs such an officer in their exercise, he shall be guilty of an offence.