



Salmon Act 1986

1986 CHAPTER 62

PART III

PROVISIONS APPLYING TO ENGLAND AND WALES

32 Handling [^{F1}fish] in suspicious circumstances.

- (1) Subject to subsections (3) and (4) below, a person shall be guilty of an offence if, at a time when he believes or it would be reasonable for him to suspect that a relevant offence has at any time been committed in relation to [^{F2}any fish to which this section applies], he receives [^{F3}that fish], or undertakes or assists in its retention, removal or disposal^{F4}..., or if he arranges to do so.

[^{F5}(1A) This section applies to—

- (a) salmon, trout, eels, lampreys, smelt and freshwater fish; and
 - (b) fish of such other description as may be specified for the purposes of this section by order under section 40A of the Salmon and Freshwater Fisheries Act 1975.]
- (2) For the purposes of this section an offence is a relevant offence in relation to [^{F6}a fish to which this section applies] if—
- (a) it is committed by taking, killing or landing [^{F7}, or selling,][^{F8}that fish], either in England and Wales or in Scotland; or
 - (b) [^{F9}that fish] is taken, killed or landed, [^{F10}or sold,] either in England and Wales or in Scotland, in the course of the commission of the offence.
- (3) It shall be immaterial for the purposes of subsection (1) above that a person's belief or the grounds for suspicion relate neither specifically to a particular offence that has been committed nor exclusively to a relevant offence or to relevant offences; but it shall be a defence in proceedings for an offence under this section to show that no relevant offence had in fact been committed in relation to the [^{F11}fish] in question.
- (4) A person shall not be guilty of an offence under this section in respect of conduct which constitutes a relevant offence in relation to any [^{F12}fish to which this section

*Changes to legislation: There are currently no known outstanding effects
for the Salmon Act 1986, Section 32. (See end of Document for details)*

applies] or in respect of anything done in good faith for purposes connected with the prevention or detection of crime or the investigation or treatment of disease.

- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, [^{F13}to a fine not exceeding the statutory maximum] ;
 - (b) on conviction on indictment, [^{F14}to a fine] .
- (6) The ^{M1}Salmon and Freshwater Fisheries Act 1975 shall have effect as if—
- ^{F15}(a)
 - (b) in sections 33(2) (warrants to enter suspected premises), 36(1) (water bailiffs to be constables for the purpose of enforcing Act) and 39(1) (border rivers) and in paragraph 39(1)(a) of Schedule 3 (prosecution by water authorities) and Part II of Schedule 4 (procedure on prosecutions), the references to that Act included references to this section.
- (7) In this section “offence”, in relation to the taking, killing or landing [^{F16}, or selling,] of [^{F17} a fish to which this section applies] either in England and Wales or in Scotland, means an offence under the law applicable to the place where [^{F18}the fish] is taken, killed or landed [^{F19}or sold] .
- ^{F20}(8) In this section “salmon”, “trout”, “eels”, “smelt”, “fish” and “freshwater fish” have the same meanings as in the Salmon and Freshwater Fisheries Act 1975.]

Textual Amendments

- F1** Word in s. 32 substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(2), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F2** Words in s. 32(1) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(3) (a), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F3** Words in s. 32(1) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(3) (b), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F4** Words in s. 32(1) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(3)(c), 324(3), Sch. 22 Pt. 5(B); S.I. 2009/3345, art. 2, Sch. paras. 14, 27(b)
- F5** S. 32(1A) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(4), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F6** Words in s. 32(2) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(5) (a), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F7** Words in s. 32(2)(a) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(5) (b), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F8** Words in s. 32(2)(a) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(5) (b), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F9** Words in s. 32(2)(b) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(5) (c), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F10** Words in s. 32(2)(b) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(5) (c), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F11** Word in s. 32(3) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(6), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F12** Words in s. 32(4) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(7), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F13** Words in s. 32(5)(a) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(8) (a), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F14** Words in s. 32(5)(b) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 229(8) (b), 324(3); S.I. 2009/3345, art. 2, Sch. para. 14

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- F15** S. 32(6)(a) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 16 para. 19, **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. paras. 15(i), 27(b)
- F16** Words in s. 32(7) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 229(9)(a)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F17** Words in s. 32(7) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 229(9)(b)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F18** Words in s. 32(7) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 229(9)(c)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F19** Words in s. 32(7) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 229(9)(d)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F20** S. 32(8) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 229(10)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 14

Marginal Citations

- M1** 1975 c. 51.

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