



Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (repealed)

1951 CHAPTER 26 14 and 15 Geo 6

PART II

POWERS OF WATER BAILIFFS AND OTHERS

11 Powers of search.

- (1) A sheriff or any justice of the peace, if satisfied by information on oath that there is reasonable ground to suspect any offence against any of the provisions of sections [F11 to 4, 7 and 7A] of this Act to have been committed and that evidence of the commission of the offence is to be found on any premises or in any vehicle, may grant a warrant authorising any water bailiff, constable or person appointed by the Secretary of State in pursuance of the last foregoing section at any time or times within one week from the date thereof to enter, if necessary by force, the said premises and every part thereof or the said vehicle for the purposes of detecting the offence.
- (2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, as the case may be.
- (3) Where a constable has reasonable grounds for suspecting that an offence against any of the provisions of sections [F11 to 4, 7 and 7A] of this Act has been committed, and that evidence of the commission of the offence is to be found in any vehicle, but that by reason of urgency or other good cause it is impracticable to apply for a warrant to search such vehicle, the said constable may stop and search that vehicle and any person who is found in, or whom he has reasonable grounds to believe to have recently left or to be about to enter the said vehicle.

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (repealed), Section 11. (See end of Document for details)

- [^{F2}(3A) Where a constable has reasonable grounds for suspecting that an offence against section 7A of this Act is being committed and that evidence of the commission of the offence is to be found in any premises (other than a dwelling-house or any yard, garden, outhouses and pertinents belonging thereto or usually enjoyed therewith) but by reason of urgency or other good cause it is impracticable to apply for a warrant to search such premises, he may search them without warrant.]
- (4) Where a water bailiff has reasonable grounds for suspecting that an offence against [^{F3}any of the provisions of sections 1 to 4, 7 and 7A] of this Act has been committed and that evidence of the commission of the offence is to be found in any vehicle on any private land adjoining any water within his district or any district adjoining thereon [^{F4}or in any stationary vehicle on—
- (a) a road within the meaning of the Roads (Scotland) Act ^{M1}1984; or
 - (b) a highway within the meaning of the Highways Act ^{M2}1980
- adjoining such water or such land,] the said water bailiff may search that vehicle.
- (5) Any person appointed by the Secretary of State in pursuance of the last foregoing section may exercise in relation to any water the powers conferred upon a water bailiff by virtue of this section.
- (6) No female shall in pursuance of any search authorised by this section be searched except by a female.

Textual Amendments

- F1** Words substituted by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), **s. 22(2)(a)**
- F2** [S. 11\(3A\)](#) inserted by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), **s. 22(2)(b)**
- F3** Words substituted by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), **s. 22(2)(c)(i)**
- F4** Words inserted by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), **s. 22(2)(c)(ii)**

Modifications etc. (not altering text)

- C1** [S. 11](#) extended by [Sea Fish \(Conservation\) Act 1967 \(c. 84\)](#), **s. 18(2)**
- C2** [S. 11](#) extended by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), **ss. 7(2)(a)(b)**, 10(2)
- C3** [S. 11](#) extended (30.6.1999) by [S.I. 1999/1746](#), **arts. 1(1)**, 8(3)
[S. 11](#) applied (with modifications) (15.4.2001) by [1986 c. 62](#), **s. 10B(4)** (as inserted (15.4.2001) by [2001 asp 3](#), **s. 1**; [S.S.I. 2001/116](#), **art. 2**)
- C4** [S. 11\(1\)\(5\)](#) modified (30.6.1999) by [S.I. 1999/1746](#), **arts. 1(1)**, 12(1)

Marginal Citations

- M1** [1984 c.54\(108\)](#).
- M2** [1980 c.66\(59\)](#).

Textual Amendments applied to the whole legislation

- F1** Act repealed (except in relation to the River Tweed and the Upper Esk) (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**; and (only in relation to the Tweed district) (15.11.2006) by [The Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), **art. 1(2)**, **Sch. 4 Pt. 2** (with [art. 1\(3\)](#))

Changes to legislation:

There are currently no known outstanding effects for the *Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (repealed)*, Section 11.