



Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (repealed)

1951 CHAPTER 26 14 and 15 Geo 6

PART V

LOCAL AND SUPPLEMENTAL

24 Interpretation.

(1) For the purposes of this Act unless the context otherwise requires—

“Boat” includes any craft or vessel used in fishing;

“Dam” means any weir, dam, dyke, cauld, mill dam or other structure constructed in the bed of any stream, river or loch for the purpose of controlling, impounding or diverting water therefrom;

[^{F1} “District” and “Salmon Fishery District” shall be deemed to include the River Tweed;

“District board” and “District Salmon Fishery Board” shall include the council constituted under section 6 of the Tweed Fisheries Act ^{M1}1969;]

“Enactment” means any Act of Parliament whether public, general, local or private;

“Estuary limits” means limits which divide each river including its mouth or estuary from the sea as fixed by any enactment, byelaw or the decision of a court;

“Fixed engine” means any engine, net or trap used for the taking of salmon, other than a sweep net which when in use is hauled through the water continuously and is not allowed to be stationary in the water or to drift with the current;

“Freshwater fish” means any fish living in fresh water, including trout, and eels and the fry of eels, but exclusive of salmon and of any kind of fish which migrate between the open sea and tidal waters;

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (repealed), Section 24. (See end of Document for details)

“Inland waters” includes all rivers above estuary limits and their tributary streams, and all waters, watercourses and lochs whether natural or artificial draining into the sea;

“Lade” includes any artificial channel through which water is diverted from any inland water in which salmon or trout are present;

“Package” includes any box, basket, barrel, case, receptacle, sack, bag, container, wrapper or other thing in which salmon or trout is placed for the purpose of carriage, consignment or exportation;

“The River Tweed” means “the River” as defined by the ^{M2}Tweed Fisheries Amendment Act 1859, and any byelaw amending that definition;

“Rod and line” means single rod and line with such bait or lure as is lawful at the passing of this Act [^{F2}and, in the case of fishing for salmon in an area to which and at a time during which regulations made under section 8 of the Salmon Act 1986 apply, is not specified in such regulations in respect of that area and time];

“Salmon” includes all migratory fish of the species *Salmo salar* and *Salmo trutta* and commonly known as salmon and sea trout respectively or any part of any such fish;

“Trout” means non-migratory trout of the species *Salmo trutta* living in fresh waters or estuaries;

“Vehicle” includes any conveyance other than a vehicle used for the purposes of a passenger transport service within the meaning of the ^{M3}Transport Act 1947.

“Water bailiff” means any water bailiff or other duly appointed officer of a district board.

- (2) Nothing contained in this Act shall render legal any method of fishing which was or would have been illegal at the date of the commencement of this Act.
- (3) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment including this Act.

Textual Amendments

- F1** Words substituted by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), s. 41, **Sch. 4 para. 12**
- F2** Words inserted by [Salmon Act 1986 \(c. 62, SIF 52:2\)](#), **ss. 8(6), 10(4)**

Modifications etc. (not altering text)

- C1** [S. 24\(1\)](#) amended (River Awe) (11.02.1991) by [S.I. 1991/116](#), **reg. 2**

Marginal Citations

- M1** [1969 c.xxiv\(52:2\)](#).
- M2** [1859 c. lxx.](#)
- M3** [1947 c. 49.](#)

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.

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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 24.