



Association of Salmon Fishery Boards

General list of salmon and freshwater fisheries offences

This note is intended as a general guide to current offences relating to salmon and freshwater fisheries in Scotland. It is not a definitive guide, but simply a resource to point to the relevant Acts, Orders and Regulations for those involved in law enforcement. It is worth using the search function at legislation.gov.uk, if there is a particular provision that is not listed below. This will be particularly useful for local orders and regulations. The legislation relating to freshwater fisheries will change in the coming years, further updates will be included as they happen.

The Salmon Carcass Tagging (Scotland) Regulations 2016

Requirement to affix carcass tags to any salmon caught within inland waters (excluding fish caught by rod and line). See specific provisions [HERE](#)

The Conservation of Salmon (Scotland) Regulations 2016

Prohibition on retaining salmon in specified districts and out-with inland waters
See specified areas and specific provisions [HERE](#)

The Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Regulations 2014

Prohibition on retaining salmon prior to 1 April (created via amendments to annual close times, district – by – district). See regulation [HERE](#)

Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

This should be read in conjunction with the Aquaculture and Fisheries (Scotland) Act 2007 which inserts a number of amendments and new offences into the 2003 Act. See the full Acts here [2003 Act](#) and [2007 Act](#)

Section	Offence	Note
1 (1)	Fishing for salmon in inland waters other than by rod and line or net & coble or – in certain circumstances – cruive, haaf net or certificated fixed engine	

1(2)	Fishing for salmon in the sea other than by rod & line, net & coble or bag net, fly net or other stake net	
2	Fishing for freshwater fish in inland waters other than by rod & line	
3A	Using a rod not held by hand for salmonids (not from a boat) Using more than 4 rods not held by hand for non-salmonids (not from a boat) Using more than 4 rods on a boat to catch fish	Inserted by 2007 Act
4	Use of roe, fire or light as a bait or lure; Use of live vertebrates as bait*; foul hooking*;	*Inserted by 2007 Act
5	Use of explosives, poisons or electrical devices to take or destroy fish	
3	Use of gaffs, & tailers	Inserted by 2007 Act
5A	Use of pike gags and knotted or metallic mesh keep-nets	Inserted by 2007 Act
6	Fishing without written permission or legal right (salmon)	
7	Fishing contrary to ss. 1, 2 or 6 of the 2003 Act by two or more persons acting together	
8	Removing dead salmon and trout from water	
9	Illegal possession of salmon, trout, and articles where there is suspicion that fish have been, or are about to be taken unlawfully	Convictable on evidence of a single witness
10	Taking or preventing passage of salmon through a fish pass	Convictable on evidence of a single witness
11	Fishing without permission or legal right (stanks & loch owned by one person).	
12 & 48	Fishing for brown trout and freshwater fish without legal right or written permission in an area covered by a Protection Order.	
13 (2)	Fishing for or taking salmon on a Sunday	Convictable on evidence of a single witness

13 (3)	Fishing for or taking salmon during the weekly close time other than by rod and line	Convictable on evidence of a single witness
14	Fishing during the annual close time except as allowed for by byelaw, regulation or licence	Convictable on evidence of a single witness
15	Failure to remove boats & nets within 36 hours of start of the annual close time	Convictable on evidence of a single witness
16	Possessing, buying or selling salmon during the period when the annual close time is in force in every salmon fishery district	Convictable on evidence of a single witness
17	Fishing for, taking or possessing trout during the annual close time for trout	Convictable on evidence of a single witness
18	Fishing for, taking, possess, buy, sell or expose for sale unclean or unseasonable salmon	Convictable on evidence of a single witness
19	Possessing, buying, selling or exposing for sale salmon roe	Convictable on evidence of a single witness
20	Possessing salmon which have been illegally taken, killed or landed	Convictable on evidence of a single witness
21	Consigning salmon or trout in an unmarked package	
21 (5)	Obstruction of any person authorised under s.21(6) to check unmarked packages (consignment of fish in an unmarked package)	
22	Size limit for buying or selling trout (under 20cm) Sale of any trout between 1 Sep-31 March	
23(1)	Knowingly taking, injuring, destroying, buying, selling or exposing for sale smolts, parr, salmon fry or alevin or use of any device to obstruct the passage of young salmon	
23(2)	Knowingly injuring or disturbing salmon spawn; or disturbing spawning bed, bank or shallow	
23(3)	Obstructing the passage of salmon to spawning grounds during the annual close time	

25	Use of un-certificated fixed engine in Solway	
26	Fishing without legal right or permission for any fish other than salmon in the rivers running into the Solway Firth (excl Annan)	
31(1)(d) & (7)	Fishing for salmon with net of mesh size less than 90mm (stretched mesh)	Also refer to SI 1992/1974 regulation 6
as above	Fishing for salmon with a net of twine less than 0.9mm thick	As above, regulation 8A
as above	Use of monofilament netting in the construction of nets used in fishing for salmon	As above, regulation 8
33(A)	Introduction of salmon or salmon spawn in inland waters without the consent of a salmon fishery board (or Scottish Ministers where no board exists) Introduction of other live fish or spawn in inland waters without consent of Scottish Ministers	Convictable on evidence of a single witness
38(7)	Contravention of any salmon conservation regulation	Convictable on evidence of a single witness
50(3)(a)	Obstruction of a warden in the exercise of their powers under the Act (s. 49 & 50)	
50(3)(b)	Obstruction of any person appointed by Scottish Ministers under the Act (s. 50(2)) in the exercise of their powers under that subsection	
58	Obstruction of a constable or water bailiff in the exercise of their powers under the Act	
64	Failure of a proprietor or occupier to provide information or statistics, or to allow access to a fishery for related purposes	
The Freshwater Fish Conservation (Prohibition on Fishing for Eels) (Scotland) Regulations 2008		
SI 2008 no 419	Fishing for or taking eels except under licence	Made under S. 51A of 2003 Act
The Conservation of Salmon (Prohibition of Sale) (Scotland) Regulations 2002		

SI 200 no 418	Sale of rod-caught salmon	
The Sea Fish Conservation Act 1967		
5	Fishing for salmon from a boat in the sea by drift net or other gill net, trawl net, seine net (other than fishing from the shore by net & coble), troll or long line.	Also refer to SI 1973/207, as varied by SI 1983/60
6	Landing of salmon caught in contravention of an order made under the 1967 Act	Also refer to SI 1972/1966, as varied by SI 1983/58
The Inshore Fishing (Scotland) Act 1984		
1	Fishing for salmon in the sea with any gill net within half a mile of the shore	SI 1986/59
2	Carriage of monofilament gill net of mesh size less than 250mm in any British fishing boat	Also refer to SI 1996/1907
3	Fishing with trawls or other moving gear within half a mile of a fixed salmon net	