Session and Chapter.	Short Title.	Extent of Repeal.
37 & 38 Vict. c. 49.	The Licensing Act, 1874.	Section thirteen. Section fourteen, from "and may be "directed" to the end of the section. Section twenty-four.
43 Vict. c. 6. -	The Beer Dealers Retail Licences Act, 1880.	The whole Act.
44 & 45 Vict. c. 58.	The Army Act -	Section one hundred and seventy-four.
45 & 46 Vict. c. 34.	The Beer Dealers Retail Licences Amendment Act, 1882.	The whole Act.

CHAPTER 29.

An Act for the better protection of Freshwater Fish in Scotland. [8th August 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Close time for trout.

1. From and after the passing of this Act, between the fifteenth day of October in any year and the twenty-eighth day of February in the year following, both inclusive, there shall be an annual close time for trout in Scotland, during which it shall not be lawful, except as herein-after specified, for any person to—

(*a*) fish for or take common trout (salmo fario) in any river, water or loch in Scotland, by net, rod, line or otherwise; or

(*b*) have possession of common trout; or

(*c*) expose common trout for sale:

And any person who shall so fish for or take or possess or expose for sale such trout, at any time within the said dates, shall forfeit and pay a sum not exceeding five pounds for every such offence.

Exception in favour of stews and artificial hatcheries.

Except as herein-after provided, the provisions of this section shall not apply to the owner, occupier or lessee of any water where trout are kept in captivity or artificially reared and fed, or to any person employed by them for the rearing or feeding of trout, or to any person to whom such trout may be consigned by them for sale or otherwise, for the purposes of stocking ponds, rivers or other waters.

But any owner, lessee, occupier or person as aforesaid, who shall, during the close time created by this Act,—

(*a*) take from such water common trout, except for scientific or breeding purposes, or for the purpose of such trout being removed in a living state to other rivers, waters or lochs;

(*b*) sell or expose for sale dead common trout; or

(*c*) sell or expose for sale live common trout for the purposes of food,

shall, on conviction, be deemed to have committed an offence under this section.

Exception in favour of proprietors, &c. repealed.

2. All persons, being the proprietors of any land through or by which any river or water flows or on which any loch is wholly or partially situated, or having a right to fish there for trout, or having a written permission from some such proprietors or persons entitled to fish as aforesaid, shall be subject to the penal and other provisions of the Act of the twenty-third and twenty-fourth years of Victoria, chapter forty-five, in respect of fishing for trout by net (except in ponds or lochs all the proprietors of which have agreed to permit such fishing), or by what is known as double rod fishing, or cross line fishing, or set lines, or otter fishing, or burning the water, or by striking the fish with any instrument, or by pointing, or by putting into the water lime or any other substance destructive to trout, with intent to destroy the same; and the exceptions in the said Act of such proprietors and others from the penal and other provisions directed against the practices aforesaid are hereby repealed: Provided that it shall still be legal and permissible for such proprietors and others to fish for trout by net in such rivers, waters or lochs, where such fishing is prosecuted for scientific, breeding or restocking purposes.

Penalties for using explosives to kill freshwater fish. 40 & 41 Vict. c. 65.

3. Any person who uses or attempts to use dynamite or other explosive to catch or destroy fish in any river, water or loch in Scotland shall be liable to the like penalties and to the like jurisdiction as if he had committed an offence under the Fisheries (Dynamite) Act, 1877.

Application of Act to river Esk. 28 & 29 Vict. c. 121. 36 & 37 Vict. c. 71.

4. Nothing in this Act contained shall be deemed to affect the application of the provisions of the Salmon Fishery Acts, 1865 and 1873, to the river Esk, together with its banks and tributary streams, within the counties of Dumfries and Roxburgh.

Short title and construction. 8 & 9 Vict. c. 26. 23 & 24 Vict. c. 45.

5. This Act may be cited as the Freshwater Fish (Scotland) Act, 1902, and shall be construed as one with the Trout (Scotland) Act, 1845, and the Trout (Scotland) Act, 1860, which are hereby amended so far as inconsistent with it; and this and those Acts may be cited together as the Trout (Scotland) Acts, 1845 to 1902.