



INSTRUCTIONS

The pocket notebook is one of the most important books used in the Bailiff Service and it is essential that all entries should be made in accordance with the approved procedure.

It **MUST** always be carried when on duty.

In it, Bailiffs must enter particulars of all crimes, minor offences, complaints, persons or property, and every other matter arising within the course of their duty. This includes any occurrence coming to their notice which appears in any respect irregular, wrong or offensive and in respect of which they may at some future time be required to give evidence.

Periods of leave, sickness and attendance at court should also be recorded.

The use of the pocket notebook in specific instances is detailed in the appropriate section in these instructions.

All entries made in pocket notebooks will conform with the following specific instructions which must be rigorously observed and which will be enforced by supervisory officers. The entry must be made at the time or as soon as possible after the event occurs.

1. **Original entries** only to be made in the book. Under no circumstances are notes to be made elsewhere, eg on slips of paper etc, and afterwards copied into the notebook. If notes have to be made in other than the notebook then the original notes should be retained with the notebook.
2. No leaf or part of a leaf is to be torn from the notebook nor any erasure made therein. Any errors of entry must be neatly crossed out, dated and initialled.
3. All entries must show the date and time when entered.
4. Statements made by prisoners and defendants must be entered in the exact words spoken.
5. No space must be left between entries in the book. Additional particulars are to be recorded by way of a supplementary entry.
6. At the commencement of the next patrol, a neat line must be drawn across the page under the last entry and the date and patrol entered.
7. All entries must be made in ink.
8. These rules may result in notebooks being less tidy than if copied from rough notes. However, Bailiffs are expected to keep their notebooks as neat as possible. It is the accuracy of the facts that really matter.
9. When giving evidence in Court, a bailiff must have with him the notebook containing the original notes of the case. With the permission of the Court, he may refer to it to refresh his memory and should do so when the evidence is lengthy, involved or detailed.

CAUTIONS – CODE OF PRACTICE

1. A person whom there are grounds to suspect of an offence must be cautioned before any questions about it (or further questions if it is their answers to previous questions that provide grounds for suspicion) are put to them for the purpose of obtaining evidence which may be given to a Court in a prosecution;-

The caution shall be in the following terms:

“I am going to caution you, you do not have to say anything but anything you do say will be noted and may be used in evidence. Do you understand?”

2. It is not necessary to give or repeat a caution when informing a person who is not under arrest that he may be prosecuted for an offence.
3. A person must be cautioned upon arrest for an offence. Unless:
 - (a) It is impracticable to do so by reason of their condition or behaviour at the time: OR
 - (b) They have already been cautioned as 1. above immediately prior to their arrest.
4. When a DETAINED PERSON is charged with or informed that they may be prosecuted for an offence they shall be cautioned in the terms of 1. above.
5. Where questions relating to an offence are necessary after a person has been charged with that offence, or informed that he may be prosecuted for it, he must be first cautioned in the terms of 1. above.
6. **Written Statements under Caution.** A person shall always be invited to write down themselves what they want to say. Where the person wishes to write themselves, they should be asked to write out and sign before writing what he wants to say, the following:

“I make this statement of my own free will. I understand that I need not say anything else unless I wish to do so and that what I say may be given in evidence”

If a person says that they would like someone to write it for them, a Bailiff shall write the statement, but before starting they must ask them to sign, or make his mark, to the following:

“I wish to make a statement. I want someone to write down what I say. I understand that I need not say anything unless I wish to do so and that what I say may be given in evidence.”

When the writing of a statement by a Bailiff is finished the person making it must be asked to read it and to make any corrections, alterations or additions they wish. When they have finished reading it they must be asked to write and sign or make their mark on the following certificate at the end of the statement:

“I have read the above statement, and I have been able to correct, alter or add anything I wish. This statement is true. I have made it of my own free will”.

7. When questioning juveniles, mentally ill or mentally handicapped persons, foreign nationals and deaf or dumb persons, the above provisions apply, but there are additional procedures to be followed in order that admissions made by these persons in these categories are admissible in Court.

LIST OF KEY LEGISLATION AND PRINCIPAL SCOTTISH SALMON AND FRESHWATER FISHERIES OFFENCES

Important Note:

In most cases, the term ‘salmon’ includes sea trout. This list only refers to key national legislation (including regulations). There will be regulations/orders which may have more local effect, including those governing the use of certain baits or lures, fishing tackle, release of fish etc. **Bailiffs should be fully acquainted with any local regulations in their district which will also carry the full force of law.**

All legislation may now be viewed online at www.legislation.gov.uk/browse

- The Freshwater Fish Conservation (Prohibition on Fishing for Eels) (Scotland) Regulations 2008
- Aquaculture and Fisheries (Scotland) Act 2007
- Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003
- The Conservation of Salmon (Prohibition of Sale) (Scotland) Regulations 2002
- The Salmon (Fish Passes and Screens) (Scotland) Regulations 1994
- The Inshore Fishing (Scotland) Act 1984
- The Sea Fish Conservation Act 1967

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.

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

Section	Offence	Note
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

Section	Offence	Note
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)	

Section	Offence	Note
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 Salmon (Fish Passes and Screens) (Scotland) Regulations 1994		
SI 1994 No 2524	Failure to comply with regulations on fish passes and screens	
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	

USEFUL INFORMATION

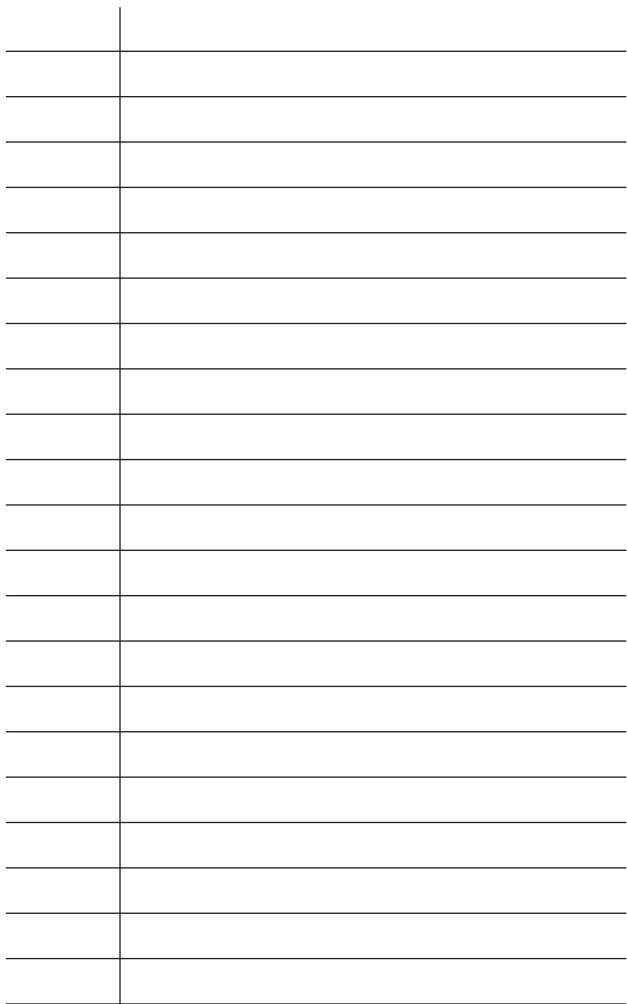
Police divisions in Scotland with contact numbers

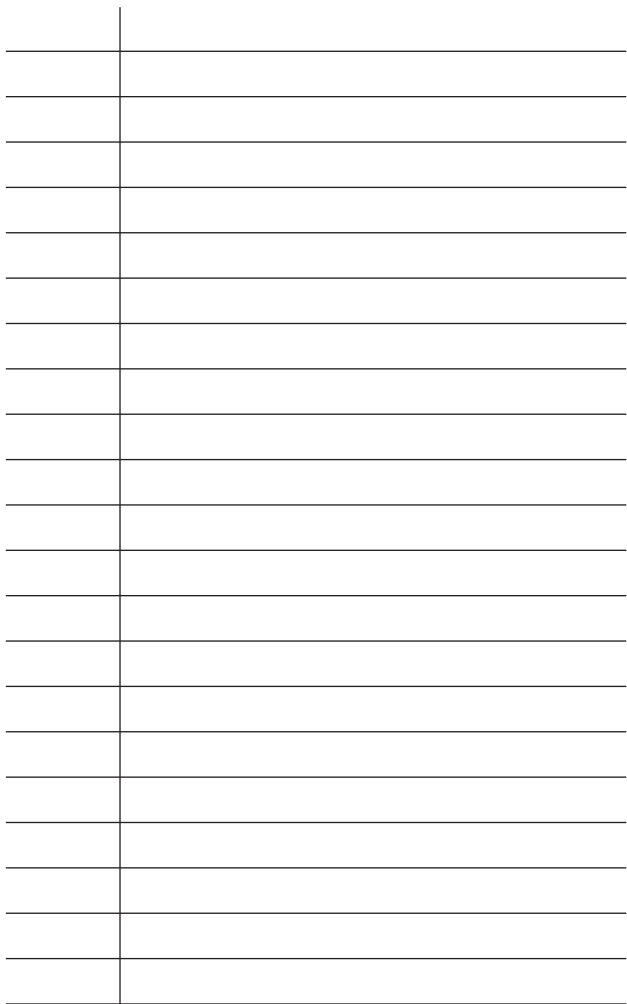
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Dumfries & Galloway Constabulary	0845 6005701
Fife Constabulary	0845 6005702
Grampian Police	0845 6005700
Lothian & Borders	0131 3113131
Northern Constabulary	01463 715555
Strathclyde Police	0141 5322000
Tayside Police	0300 1112222

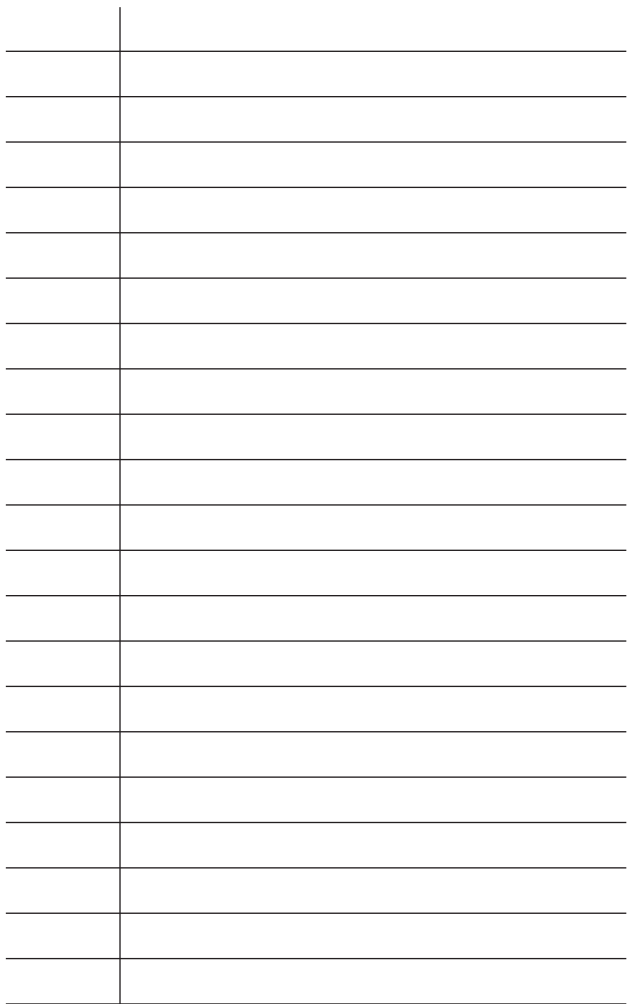
THE PHONETIC ALPHABET

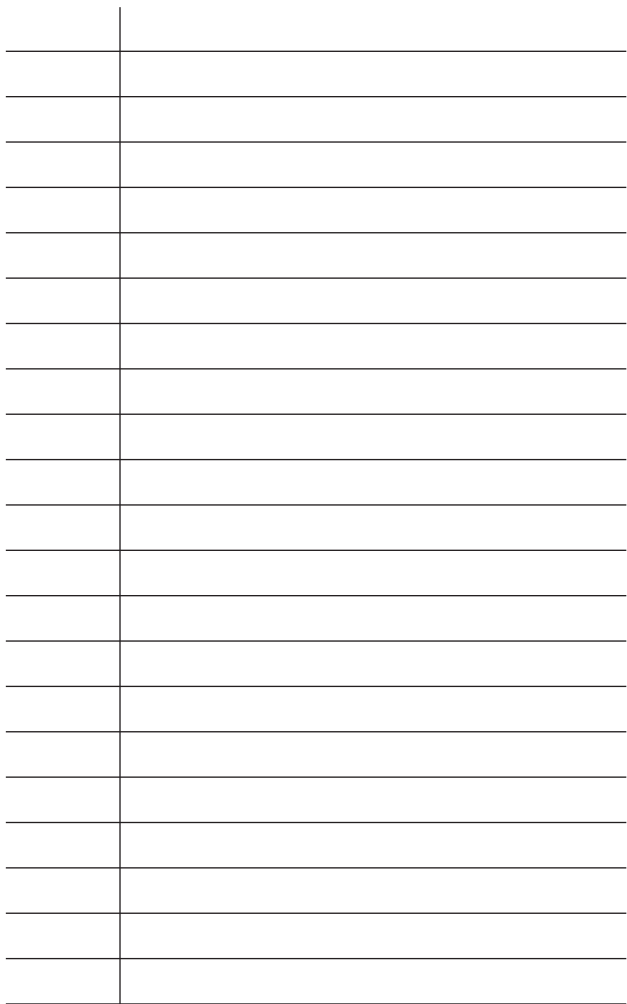
A	Alpha
B	Bravo
C	Charlie
D	Delta
E	Echo
F	Foxtrot
G	Golf
H	Hotel
I	India
J	Juliet
K	Kilo
L	Lima
M	Mike

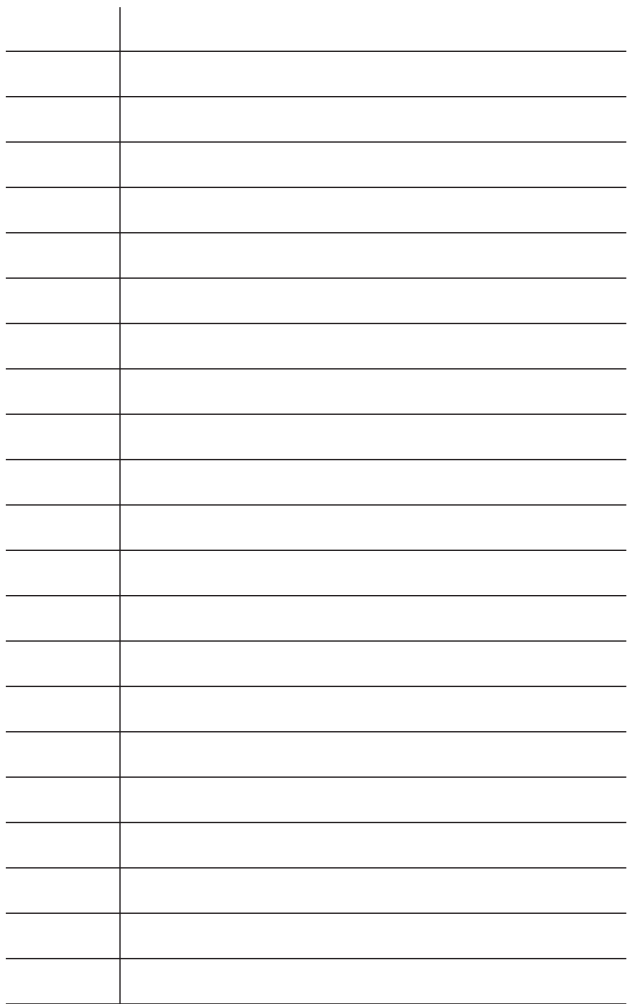
N	November
O	Oscar
P	Papa
Q	Quebec
R	Romeo
S	Sierra
T	Tango
U	Uniform
V	Victor
W	Whisky
X	X-ray
Y	Yankee
Z	Zulu

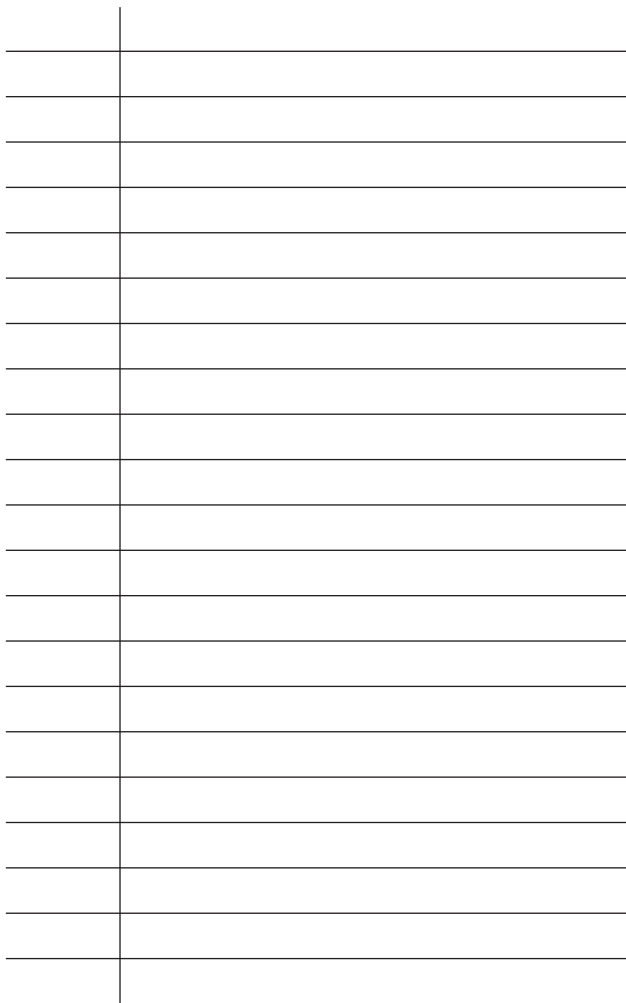


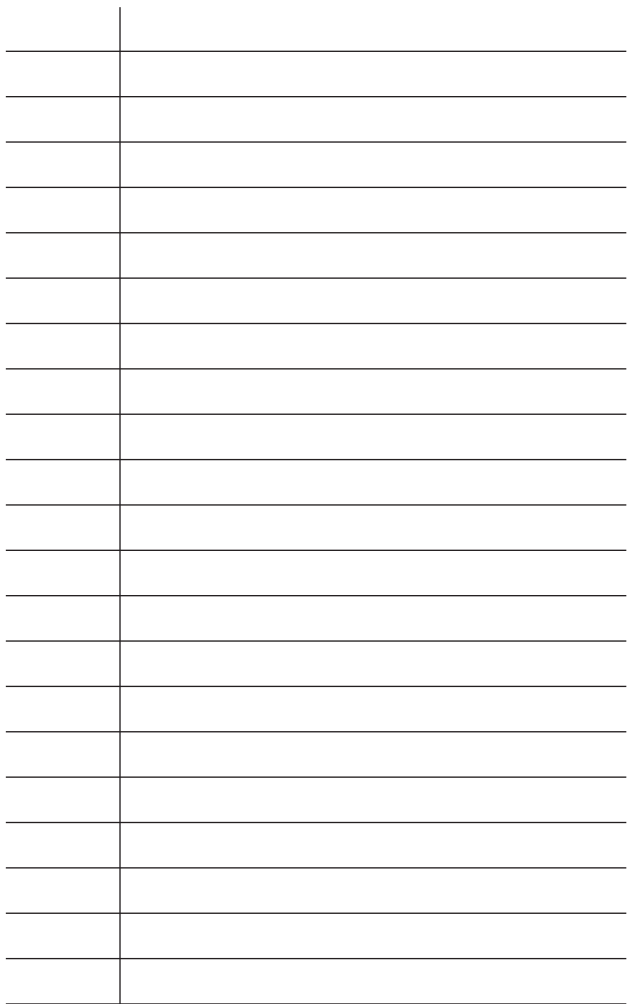












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