

2004 No. 259

RIVER

SALMON AND FRESHWATER FISHERIES

**The River Findhorn Salmon Fishery District (Baits and Lures)
Regulations 2004**

Made - - - - *2nd June 2004*
Coming into force - - *4th June 2004*

The Scottish Ministers, on application to them by the River Findhorn District Salmon Fishery Board, having consulted and directed that notice be given in accordance with paragraphs 3 and 4 of Schedule 1 to the Salmon Act 1986(a) as applied by section 8(5) of that Act and having considered all representations and objections duly made and not withdrawn, in exercise of the powers conferred by section 8 of that Act and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the River Findhorn Salmon Fishery District (Baits and Lures) Regulations 2004 and shall come into force on 4th June 2004.

(2) In these Regulations—

“organic bait” means bait made up in whole or in part of—

- (a) any crustacean, fish or any other animal;
- (b) any part of a crustacean, fish or other animal; or
- (c) eggs of any fish;

“plug” means any non-rotating lure which is designed to dart and dive when drawn through water;

“spinner” means any lure which is designed so that the lure or any part of the lure rotates or spins when drawn through water;

“spoon” means any spoon shaped lure which is designed to flash and wobble when drawn through water.

Specification of organic bait and area of application

2.—(1) Organic bait is hereby specified as a bait for the purposes of the definition of “rod and line” in section 24(1) of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951(b).

(a) 1986 c.62. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(b) 1951 c.26. The definition of “rod and line” in section 24(1) was amended by section 8(6) of the Salmon Act 1986.

(2) This regulation applies to the River Findhorn and its tributaries within the River Findhorn Salmon Fishery District between 11th February and 30th September, both dates included, in each year.

Specification of lures and area of application

3.—(1) A plug, spinner, spoon or any other lure (other than a lure constructed in whole or in part of hair, feather, or fur) designed to resemble any animal including, without prejudice to the generality, a fish, prawn, shrimp, squid or worm, is hereby specified as a lure for the purposes of the definition of “rod and line” in section 24(1) of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951.

(2) This regulation applies to the River Findhorn and its tributaries within the River Findhorn Salmon Fishery District between 1st May and 30th September, both dates included, in each year.

GORDON BROWN

A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
2nd June 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify certain baits and lures for the purposes of the definition of “rod and line” in section 24(1) of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (“the 1951 Act”).

The Regulations apply to the River Findhorn and its tributaries within the River Findhorn Salmon Fishery District.

Regulation 2(1) specifies organic bait. The specification of organic bait applies from 11th February to 30th September, both dates included, in each year (regulation 2(2)).

Regulation 3(1) specifies lures. The specification of lures applies from 1st May to 30th September, both dates included, in each year (regulation 3(2)).

The effect of the Regulations is to prohibit the use of those baits and lures when fishing in the River Findhorn and its tributaries by rod and line for salmon or sea trout. Contravention of this prohibition is an offence under section 2(4) of the 1951 Act. The penalties are fixed by section 18 of that Act.

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