

2005 No.24

RIVER

SALMON AND FRESHWATER FISHERIES

**The Conservation of Salmon (Esk Salmon Fishery District)
Regulations 2005**

<i>Made</i> - - - -	<i>20th January 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>21st January 2005</i>
<i>Coming into force</i> - -	<i>16th February 2005</i>

The Scottish Ministers, on application to them by the Esk District Salmon Fishery Board, having had regard to representations made to them by those persons mentioned in section 10A(5) of the Salmon Act 1986(a) and having consulted and directed that notice be given in accordance with section 10D(4) of, and Schedule 1 to, that Act, and having considered representations and objections made, in exercise of the powers conferred by section 10A(3)(a) of that Act and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Conservation of Salmon (Esk Salmon Fishery District) Regulations 2005 and shall come into force on 16th February 2005.

(2) These Regulations shall cease to have effect at midnight on 15th February 2010.

Restriction on fishing

2.—(1) No person shall fish with a hook other than a single or double hook without barbs.

(2) This regulation applies to the Esk salmon fishery district(b) between 16th February and 31st May, both dates inclusive, in each year.

Prohibition against retention of salmon

3.—(1) No person shall retain any salmon caught by rod and line.

(2) This regulation applies to the Esk salmon fishery district between 16th February and 31st May, both dates inclusive, in each year.

(3) In this regulation—

“retain” means not to return a fish at once to the river or other water from which it came with the least possible injury;

“rod and line” means single rod and line with such bait or lure as is lawful.

(a) 1986 c.62. Sections 10A and 10D were inserted by the Salmon Conservation (Scotland) Act 2001 (asp 3).

(b) The limits of the district are set out in the Schedule to the Esk Salmon Fishery District Designation Order 1988 (S.I. 1988/994 (S.96)).

Restriction on use of net and coble in the River North Esk

4.—(1) No person shall fish for or take salmon by net and coble in the River North Esk except in the Kinnaber fishery.

(2) No more than one net and coble may be used to fish for or take salmon in the Kinnaber fishery on any day.

(3) This regulation applies between 1st and 31st May, both dates inclusive, in each year.

(4) For the purposes of this regulation fishing for or taking salmon by net and coble has the same meaning as in section 2 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951(a) and references to “net and coble” shall be construed accordingly.

(5) In this regulation—

“the Kinnaber fishery” means that part of the River North Esk downstream of a straight line connecting a point at Ordnance Survey Grid Reference NO 728622 and a point at Ordnance Survey Grid Reference NO 728624.

Restriction on use of traps

5.—(1) The maximum number of fish traps which may be placed or used at any one time within the fisheries specified in column 1 of the Schedule to these Regulations shall be the number specified in column 2 of that Schedule opposite the fishery concerned.

(2) This regulation applies between 1st and 31st May, both dates inclusive, in each year.

(3) For the purposes of this regulation a double bag net shall be counted as two fish traps.

(4) In this regulation—

“double bag net” means a fish trap consisting of two or more fish courts;

“fish trap” means a trap used for the taking of salmon.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
20th January 2005

(a) 1951 c.26. Fishing for and taking salmon is defined for the purposes of section 2 by the Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992 (S.I. 1992/1974 (S.201)) article 2, as amended by the Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Amendment Regulations 1993 (S.I. 1993/257 (S.20)).

SCHEDULE

Regulation 5

<i>Column 1</i>	<i>Column 2</i>
<i>Fishery within which restriction applies</i>	<i>Maximum number of fish traps</i>
Lauriston, being the area between a point at Ordnance Survey Grid Reference NO 824703 and a point at Ordnance Survey Grid Reference NO 771650 and extending seaward for 1,300 metres from the mean low water mark and landward to the mean high water mark.	2
Montrose Bay, being the area between a point at Ordnance Survey Grid Reference NO 771650 and a point at Ordnance Survey Grid Reference NO 718570 and extending seaward for 1,300 metres from the mean low water mark and landward to the mean high water mark.	14
Usan to North Lunan Bay, being the area between a point at Ordnance Survey Grid Reference NO 733568 and a point at Ordnance Survey Grid Reference NO 691513 and extending seaward for 1,300 metres from the mean low water mark and landward to the mean high water mark.	14
Lunan (Redcastle), being the area between a point at Ordnance Survey Grid Reference NO 691513 and a point at Ordnance Survey Grid Reference NO 698488 and extending seaward for 1,300 metres from the mean low water mark and landward to the mean high water mark.	2
Ethie, being the area between a point at Ordnance Survey Grid Reference NO 698488 and a point at Ordnance Survey Grid Reference NO 703474 and extending seaward for 1,300 metres from the mean low water mark and landward to the mean high water mark.	2

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the conservation of salmon. They shall cease to have effect at midnight on 15th February 2010.

Regulation 2 prohibits fishing with a hook other than a single or double hook without barbs in the Esk salmon fishery district between 16th February and 31st May, both dates inclusive, in each year.

Regulation 3 requires that any salmon caught by rod and line in the Esk salmon fishery district between 16th February and 31st May, both dates inclusive, in each year be returned at once to the water from which it came with the least possible injury.

Regulation 4 prohibits, between 1st and 31st May, both dates inclusive, in each year, fishing for or taking salmon by net and coble in the River North Esk except in the Kinnaber fishery. No more than one net and coble may be used in the Kinnaber fishery to fish for or take salmon on any day between 1st and 31st May, both dates inclusive, in each year.

Regulation 5 restricts the maximum number of fish traps which may be placed or used at any one time in each of the fisheries specified in column 1 of the Schedule to these Regulations to the number specified in column 2 of that Schedule opposite the fishery concerned.

Provision is made in section 10B of the Salmon Act 1986 (“the 1986 Act”) applying powers of enforcement, entry, search and arrest to water bailiffs, constables and persons appointed by the Scottish Ministers for the purposes of the enforcement of the provisions of these Regulations.

In terms of section 10C of the 1986 Act any person who acts in contravention of, fails to take any action required by, or fails to comply with any requirement imposed by, any provision of these Regulations shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale (£2,500 at the date these Regulations come into force).

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