



Salmon and Freshwater Fisheries Act 1975

1975 CHAPTER 51

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

39 Border rivers and Solway Firth.

(1) This Act—

- (a) does not apply to the River Tweed, but
- (b) applies to so much of the River Esk, with its banks and tributary streams up to their source, as is situated in Scotland,

and in this subsection “the River Tweed” means “the river” as defined by the ^{M1}Tweed Fisheries (Amendment) Act 1859 and any byelaw amending that definition.

[^{F1}(1A) In the application of this Act, under subsection (1)(b) above, to the River Esk in Scotland, references to this Act in sections 31 to 33 and section 36 shall be construed as including references to sections 1, 3 and 18 to 20 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act ^{M2}1951 as applied to that River by section 21 of that Act.]

(2) Where the minimum size of mesh of nets used for taking salmon prescribed by any provision of this Act or by any byelaw in force in any part of the Solway Firth within England is greater than that which may be lawfully used in the part of the Solway Firth within Scotland, the provision or byelaw shall have effect as if the minimum size of mesh so prescribed in relation to the part of the Solway Firth within England were such as may be so lawfully used as aforesaid in the part of the Solway Firth within Scotland.

(3) The limits of the Solway Firth for the purposes of this section shall be determined by the Minister.

(4) ^{F2}

[^{F3}(5) Nothing in this section [^{F4}the Water Resources Act 1991][^{F5}or the Water Act 1989] shall authorise a water authority to take legal proceedings in Scotland in respect of an offence against this Act.]

Status: Point in time view as at 01/12/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Salmon and Freshwater Fisheries Act 1975, Section 39. (See end of Document for details)

Textual Amendments

- F1** S. 39(1A) inserted by Salmon Act 1986 (c. 62, SIF 52:2), **s. 26(2)**
- F2** S. 39(4) repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F3** S. 39(5) added by Salmon Act 1986 (c. 62, SIF 52:2), s. 41, **Sch. 4 para. 13**
- F4** S. 39(5): By Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1 para. 30(3)** it is provided that after the words "this section" there is substituted (E.W.) (1.12.1991) the words "the Water Resources Act 1991"
- F5** Words inserted by Water Act 1989 (c. 15, SIF 130), s. 141, **Sch. 17 para. 7(1)(10)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

Modifications etc. (not altering text)

- C1** By Salmon Act 1986 (c. 62, SIF 52:2), **ss. 32(6)(b)**, 43(4) it is provided that s. 39(1) is amended (E.W. and as mentioned in the said s. 43(4) (border rivers))

Marginal Citations

- M1** 1859 c. lxx.
- M2** 1951 c.26(52:2).

Status:

Point in time view as at 01/12/1991. This version of this provision has been superseded.

Changes to legislation:

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