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STATUTORY INSTRUMENTS

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**1999 No. 1111 (S. 90)**

**RIVER, SCOTLAND**

**The District Salmon Fishery Boards Order 1999**

<i>Made</i>	- - - -	<i>9th April 1999</i>
<i>Laid before Parliament</i>		<i>12th April 1999</i>
<i>Coming into force</i>	- -	<i>3rd May 1999</i>

The Secretary of State, in exercise of the powers conferred on him by section 14(10) of the Salmon Act 1986(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the District Salmon Fishery Boards Order 1999 and shall come into force on 3rd May 1999.

**Variation of Schedule 2 to the Salmon Act 1986**

2.—(1) Schedule 2 to the Salmon Act 1986 shall be varied in accordance with the following provisions of this article.

(2) In paragraph 3—

(a) for sub-paragraphs (1) and (2) there shall be substituted—

“(1) In accordance with the following provisions of this Part of this Schedule, representatives of qualified proprietors shall be elected by—

- (a) the upper proprietors from amongst themselves; and
- (b) the lower proprietors from amongst themselves.

(2) At least one representative shall be elected from amongst upper proprietors and at least one representative shall be elected from amongst lower proprietors but an election under this paragraph shall not be held invalid if either—

- (a) there is no upper or, as the case may be, lower proprietor; or
- (b) there is no upper or, as the case may be, lower proprietor willing to be elected.

(2A) The total number of representatives of qualified proprietors elected shall be at least three.”; and

(b) sub-paragraph (4) shall be deleted.

- (3) Paragraph 4 shall be deleted.
- (4) In paragraph 5 there shall be substituted for sub-paragraph (1)–  
“*(1) In the co-opting of representatives of salmon anglers and of tenant netsmen under Part II below, the number of representatives of salmon anglers and tenant netsmen together shall be less than the number of elected representatives of qualified proprietors.*”.
- (5) In paragraph 6–
- (a) for sub-paragraph (1) there shall be substituted–  
“*(1) The members of the committee shall be members of a district salmon fishery board if the committee consists of not less than three elected representatives of qualified proprietors in the district.*”;
- (b) in sub-paragraph (2), for the words “As soon” to “chairman and”, there shall be substituted–  
“As soon after their election as is practicable”–
- (c) there shall be inserted after sub-paragraph (2)–  
“*(2A) As soon after such co-option as is practicable, the elected representatives of qualified proprietors and the co-opted representatives shall elect, from among the representatives of qualified proprietors, a chairman.*”;
- (d) there shall be inserted after sub-paragraph (3)(a)–  
“*(aa) the chairman elected in accordance with sub-paragraph (2A) above;*”;
- (e) for sub-paragraphs (3)(b) and (c) there shall be substituted–  
“*(b) at least one co-opted representative of salmon anglers in the district; and  
(c) at least one co-opted representative of tenant netsmen in the district;*” and
- (f) for sub-paragraph (3)(i) there shall be substituted–  
“*(i) there are no salmon anglers or no tenant netsmen in the district, or*”.

### **Saving**

**3.** Nothing in this Order shall affect the validity of any election or co-option which has taken place before the date of coming into force of this Order.

St Andrew’s House,  
Edinburgh  
9th April 1999

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order varies Schedule 2 to the Salmon Act 1986 by—

- (a) providing that at least one representative of upper, and of lower, proprietors be elected unless there is either no upper, or lower proprietor, or no upper, or lower, proprietor willing to be elected (article 2(2)(a));
- (b) removing the requirement that there be a maximum number of representatives of qualified proprietors and instead providing for a minimum number of three (article 2(2) and (5));
- (c) removing the need for balance between the representatives of salmon anglers and of tenant netmen (article 2(4) and (5)(e)); and
- (d) providing for the election of a chairman by representatives of qualified proprietors and co-opted representatives (article 2(5)(c)).

The Order also abolishes the right of a proprietor of a salmon fishery which is not entered in the valuation roll to vote in an election of representatives (article 2(2)(b)).

The Order also makes consequential variations.

The Order will not affect the validity of any election or co-option which took place before the date of its coming into force (article 3).