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STATUTORY INSTRUMENTS

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**2006 No. 2913**

**The Scotland Act 1998 (River Tweed) Order 2006**

**PART 2**

**METHODS OF FISHING AND OFFENCES RELATED TO FISHING**

*Offences relating to sale, purchase and possession of salmon and trout*

**Young salmon and spawning beds**

**46.**—(1) Any person who—

- (a) knowingly takes, injures or destroys;
- (b) buys, sells, exposes for sale or is in possession of; or
- (c) places any device or engine for the purpose of obstructing the passage of,

any smolt, parr, salmon fry or alevin shall be guilty of an offence.

(2) Any person who knowingly—

- (a) injures or disturbs any salmon spawn; or
- (b) disturbs any spawning bed or any bank or shallow in which the spawn of salmon may be,

shall be guilty of an offence.

(3) Any person who during the annual close time obstructs or impedes salmon in their passage to any such bed, bank or shallow shall be guilty of an offence.

(4) Notwithstanding paragraphs (1) to (3) and subject to paragraph (5), the Commission may, with the consent of all the proprietors of salmon fisheries in any river or estuary, adopt such means as it thinks fit for preventing the ingress of salmon into narrow streams in which they or the spawning beds are from the nature of the channel liable to be destroyed.

(5) Nothing done under paragraph (4) may interfere with any water rights used or enjoyed for the purposes of manufacture, agriculture or drainage.

(6) Any person who attempts to commit or who does any act preparatory to the commission of any offence mentioned in paragraph (1), (2) or (3) shall be guilty of an offence, and liable to the same punishment as if that person had committed the offence mentioned.

(7) A person who commits an offence under this article may be convicted on the evidence of one witness, and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) This article is without prejudice to any powers exercisable by or on behalf of the Environment Agency under the Water Resources Act 1991(1) or the Land Drainage Act 1991(2).

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(1) 1991 c.57.

(2) 1991 c.59.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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