
STATUTORY INSTRUMENTS

2006 No. 2913

The Scotland Act 1998 (River Tweed) Order 2006

PART 2

METHODS OF FISHING AND OFFENCES RELATED TO FISHING

Conservation measures

Salmon conservation orders

54.—(1) The Scottish Ministers may make an order (in this Order referred to as a “salmon conservation order”) if they consider that it is necessary or expedient to do so for the conservation of salmon.

(2) A salmon conservation order shall not be taken to be for something other than the conservation of salmon by reason only that it also has effect in relation to the management of salmon fisheries for exploitation.

(3) In considering whether or not it is necessary or expedient to make a salmon conservation order the Scottish Ministers shall have regard to any representations made to them by any person having an interest in fishing for or taking salmon, or in the environment.

(4) A salmon conservation order—

- (a) may be made in relation only to salmon fisheries; and
- (b) subject to paragraph (5)(b), shall not be made in respect of matters in relation to which the Scottish Ministers have power to make orders under any other enactment relating to the management of salmon or freshwater fisheries.

(5) Without prejudice to the generality of the power conferred by this article, a salmon conservation order may—

- (a) specify the type of information about any salmon fishery that the Commission may require from the proprietor of the fishery and the time within which such information shall (if required) be supplied; and
- (b) specify baits and lures for the purposes of the definition of “rod and line” in article 25.

(6) A salmon conservation order may—

- (a) confer upon constables and water bailiffs such additional powers of enforcement as the Scottish Ministers consider necessary or expedient for the conservation of salmon in the district;
- (b) make provision generally in relation to the district, or in relation to any time or season; and
- (c) make different provision for different parts of the district, or for different cases or classes of case.

(7) Any person who—

- (a) acts in contravention of; or

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- (b) fails to take any action required of that person by, or to comply with any requirement imposed on that person by,
any provision of a salmon conservation order shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) A person who commits an offence under this article may be convicted on the evidence of one witness.
- (9) Paragraphs 5 to 14 of Schedule 2 shall have effect in relation to the making of salmon conservation orders.