

SCHEDULE
MINOR AND CONSEQUENTIAL AMENDMENTS

Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (asp 15)

- 6 (1) The 2003 Act is amended as follows.
- (2) In section 17 (annual close time for trout), after subsection (4) insert—
- “(5) A person who commits an offence under this section may be convicted on the evidence of one witness.”.
- (3) In section 31(5)(b) (salmon fishing: general regulations), for “24” substitute “18”.
- (4) In section 48 (increased availability of, and protection for, freshwater fishing)—
- (a) after subsection (2), insert—
- “(2A) In prescribing the area in relation to which a protection order is made, the Scottish Ministers need not prescribe the entire area to which the proposals, whether modified or not, relate.”,
- (b) in subsection (4), after “Ministers” where it appears for the third time, insert “and subject to subsection (4B)”,
- (c) after that subsection, insert—
- “(4A) At any time, the Scottish Ministers may, after consultation with the person submitting the proposals referred to in subsection (3)(a), modify in such way as they think fit—
- (a) those proposals, or
- (b) those proposals as modified by the person by virtue of subsection (4) above.
- (4B) Proposals modified by the Scottish Ministers by virtue of subsection (4A) may not be modified by the person referred to in that subsection; but that person may at any time withdraw them.”,
- (d) in subsection (10), after “(4)” insert “or (4A)”.
- (5) In schedule 1—
- (a) after paragraph 9(a) insert—
- “(aa) references to proposals shall be construed as the proposals of the Scottish Ministers in relation to the proposed regulations in question;”,
- (b) after paragraph 9 insert—

“Freshwater fish conservation regulations

- 9A (1) Before making regulations under section 51A of this Act, the Scottish Ministers shall consult such persons as they consider appropriate and then proceed in accordance with paragraphs 11 to 15 below.
- (2) In the application of paragraphs 11 to 15 below to regulations made under section 51A of this Act—
- (a) references to an applicant and to an application shall be omitted;

Status: This is the original version (as it was originally enacted).

- (b) references to proposals shall be construed as the proposals of the Scottish Ministers in relation to the proposed regulations in question;
 - (c) paragraph 11(3) shall be omitted;
 - (d) in paragraph 12(a), the reference to paragraph 10 is to be read as if there were substituted a reference to paragraph 9A(1).”.
- (6) In paragraph 2 of schedule 3 (provisions as to making, variation and revocation of protection orders), the words “in the Edinburgh Gazette and” are repealed.
- (7) For paragraph 8 of that schedule substitute—
 - “8 (1) Before the Scottish Ministers make an order varying a protection order, they shall by notice make such publication as they think fit of the general effect of the proposed variation and specify a time within which, and the manner in which, representations or objections with respect to the proposed variation may be made.
 - (2) The Scottish Ministers may cause a copy or copies of the notice referred to in sub-paragraph (1) above to be affixed by a person duly authorised by them in writing to some conspicuous object or objects on the banks of such waters at such places as the Scottish Ministers may direct.
 - (3) If no representations or objections are duly made, or if any so made are withdrawn, the Scottish Ministers may make an order varying the protection order.
 - (4) If any representation or objection duly made is not withdrawn, the Scottish Ministers may forthwith make an order or may cause a local inquiry to be held.
 - (5) Sub-paragraphs (2) to (8) of paragraph 5 above shall apply in relation to an inquiry under this paragraph as they apply in relation to an inquiry under that paragraph, but as if in sub-paragraph (3) of that paragraph for the word “proposals” there were substituted the words “proposed variation”.
 - (6) Paragraph 6 and 7 above shall apply in relation to an order varying a protection order as they apply in relation to a protection order, but as if in paragraph 6 for the reference to paragraph 5 above there were substituted a reference to this paragraph.”.
- (8) In paragraph 9(1) of that schedule, for “may” where it first appears substitute “shall”.