



# Salmon Act 1986

## 1986 CHAPTER 62

### PART I

#### ADMINISTRATION OF SALMON FISHERIES IN SCOTLAND

##### *Proprietors*

#### **11 Qualified proprietors and upper and lower proprietors.**

- [<sup>F1</sup>(1) A qualified proprietor shall be, for the purposes of this Act, a proprietor of a salmon fishery entered in the valuation roll.
- (2) Where any salmon fishery is not entered or not entered separately in the valuation roll, the assessor shall, on the request of—
- (a) the clerk to the district salmon fishery board for the district in which the fishery is situated; or
  - (b) where there is no such board for the district, the proprietor of that fishery, value that fishery and enter it in the valuation roll.
- (3) If a salmon fishery is situated in more than one salmon fishery district the assessor shall, on the request of—
- (a) the clerk to the district salmon fishery board for either or any of these districts; or
  - (b) where there is no such board, the proprietor of that fishery value that fishery and enter it in the valuation roll according to its value in each district.
- (4) A qualified proprietor shall be an upper proprietor or a lower proprietor for the purposes of this Act according to whether his salmon fishery is, respectively, upstream or downstream of a division of a river as defined in subsection (7) below and, in this Act, “upper proprietor” and “lower proprietor” each mean a qualified proprietor.
- (5) A qualified proprietor shall be both an upper proprietor and a lower proprietor if he is a qualified proprietor of one salmon fishery situated above and another situated below a division referred to in subsection (4) above, whether or not both fisheries are on the

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same river in the district, and he may act in either capacity or in both capacities in accordance with the provisions of this Act.

- (6) Subject to subsection (5) above, a qualified proprietor in a salmon fishery district shall not be eligible for election, co-option or appointment to the district salmon fishery board for that district in respect of more than one salmon fishery.
- (7) The division referred to in subsection (4) above shall be—
  - (a) a line across the river between points on either bank prescribed by the Secretary of State under subsection (8) below; or
  - (b) where the Secretary of State has not prescribed such points but a point of division has been fixed in accordance with section 6(4) of the <sup>M1</sup>Salmon Fisheries (Scotland) Act 1862, that point of division; or
  - (c) where no division has been effected under paragraphs (a) or (b) above, the normal tidal limit.
- (8) When requested to do so by the district salmon fishery board for the district in which a river is situated, the Secretary of State may, by order made by statutory instrument, prescribe a point on each bank of the river to which the request relates.
- (9) The clerk to a district salmon fishery board shall maintain a roll showing—
  - (a) the upper and lower proprietors in the district; and
  - (b) the values of their fisheries as entered in the valuation roll;and the board may, if they are satisfied that a name should be added or removed, add or remove it.
- (10) Subject to section 5 of the <sup>M2</sup>Sheriff Courts (Scotland) Act 1907 (jurisdiction as regards heritable property), the sheriff may, on summary application made to him by a person whose request to the board to add or remove a name has not been met, order the board to add or remove that name.]

#### Textual Amendments

- F1** Ss. 5-30 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), [sch. 4 Pt. 2](#) (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2 and Act repealed in part (except s. 31) (15.11.2006) by Scotland Act 1998 (River Tweed) Order 2006 (S.I. 2006/2913), art. 1(2), Sch. 4 Pt. 2

#### Marginal Citations

- M1** 1862 c. 97.  
**M2** 1907 c. 51.

## 12 Sole proprietor in a salmon fishery district.

- [<sup>F1</sup>(1) Where, after the commencement of this section, there is in a salmon fishery district only one proprietor of salmon fisheries, for references in this Act, except under paragraph 1 of Schedule 2 to this Act, to two proprietors of salmon fisheries in a salmon fishery district for which there is no board there shall be substituted references to that sole proprietor.
- (2) Where, immediately before the commencement of this section, there is a sole proprietor in a district within the meaning of the Salmon Fisheries (Scotland) Acts 1862 to 1868, the powers of a district board conferred on him by section 19 of the

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Salmon Fisheries (Scotland) Act 1862 shall, on the commencement of this Act, cease to be exercisable by him.

- (3) A person appointed as a water bailiff by a sole proprietor mentioned in subsection (2) above shall, on the commencement of this section, cease to have the powers and duties of a water bailiff conferred on him by or under any enactment to the extent that such powers and duties relate to that appointment.]

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**Textual Amendments**

- F1** Ss. 5-30 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), [sch. 4 Pt. 2](#) (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2 and Act repealed in part (except s. 31) (15.11.2006) by Scotland Act 1998 (River Tweed) Order 2006 (S.I. 2006/2913), art. 1(2), Sch. 4 Pt. 2

**13 Mandatories.**

- [<sup>F1</sup>(1) A qualified proprietor or an elected member or chairman of a district salmon fishery board may at any time authorise a person to act for him; and such a person is referred to in this Act as a “mandatory”.
- (2) A mandatory may as such be elected under Schedule 2 to this Act as a representative of qualified proprietors or as chairman but a person may not authorise another to act as a co-opted member under this Act nor shall a mandatory be co-opted under section 16(2) of this Act.
- (3) A person who is both an upper and a lower proprietor by virtue of section 11(5) of this Act may authorise a person in accordance with this section in either or both of his capacities or may do so in each capacity.]

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**Textual Amendments**

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**Changes to legislation:**

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