

Changes to legislation: There are currently no known outstanding effects for the Salmon Act 1986, SCHEDULE 1. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1

Sections 2, 6, 7, 8 and 10.

PROVISIONS AS RESPECTS THE MAKING OF DESIGNATION ORDERS

Textual Amendments

- F1** Sch. 1 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003](#) (asp 15), s. 71(2), **sch. 4 Pt. 2** (with s. 71(3)(4)(6));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

Proposals for a designation order

- 1 The Secretary of State may make a designation order only on the application to him by—
- (a) a district salmon fishery board for a district which would be affected by the proposed order;
 - (b) where there is no such board, two proprietors of salmon fisheries in the area which would be affected by the proposed order; or
 - (c) any number of or combination of such boards or such proprietors in the area which would be affected by the proposed order
- but the Secretary of State may act under this Schedule notwithstanding that the applicants do not represent the whole area which would be affected by the proposed order.
- 2 An application under paragraph 1 above shall be accompanied by the applicant's written proposals which shall state—
- (a) the area which it is proposed should be designated as a salmon fishery district;
 - (b) the salmon fishery district or districts which are, at the time of the application, contained wholly or partly within that area;
 - (c) the reasons for the creation of the proposed salmon fishery district;
 - (d) the proposed dates of the annual close time and the periods within which it shall be permitted to fish for and take salmon by rod and line in the proposed district; and
 - (e) the general effect of the proposals.

Consultation and publication

- 3 On receiving an application under paragraph 1 above, the Secretary of State shall consult such persons as he considers appropriate and may—
- (a) request from the applicant such additional information as he thinks fit;
 - (b) dismiss the application;
 - (c) proceed in accordance with the remaining provisions of this Schedule.

*Changes to legislation: There are currently no known outstanding effects
for the Salmon Act 1986, SCHEDULE 1. (See end of Document for details)*

- 4 (1) Before making a designation order, the Secretary of State shall direct that notice of the general effect of the proposals shall be given, specifying the time (not being less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposals may be made.
- (2) Notice shall be given at least once in each of two successive weeks by advertising in a newspaper circulating in the district or districts affected by the proposals.
- (3) The cost of giving notice shall be met by the applicant under paragraph 1 above.
- 5 At any time, the Secretary of State may alter the proposals in such way as he thinks fit and shall consider whether such alterations are sufficient to require—
- (a) further consultation as mentioned in paragraph 3 above; and
 - (b) further notice to be given under paragraph 4 above.

Making of order

- 6 If no representations or objections are duly made, or if all so made are withdrawn, the Secretary of State may make a designation order.
- 7 (1) If any representation or objection duly made is not withdrawn, the Secretary of State may, after considering the same—
- (a) make a designation order;
 - (b) dismiss the application; or
 - (c) cause a local inquiry to be held.
- (2) The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.
- (3) Notification of the time when and the place where the inquiry is to be held shall be sent to any person who has duly made and has not withdrawn representations about or objections to the proposals, and shall be published at least once in each of two successive weeks in a newspaper circulating in the district or districts affected by the proposals.
- (4) The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.
- (5) The Secretary of State may make orders as to the expenses incurred by him in relation to the inquiry (including such reasonable sum as he may determine for the services of the person appointed to hold the inquiry) and as to the expenses incurred by the parties to the inquiry and as to the parties by whom such expenses shall be paid.
- (6) Any order of the Secretary of State under sub-paragraph (5) above requiring any party to pay expenses may be enforced in like manner as a recorded decree arbitral.
- 8 After considering the report of the person appointed to hold the inquiry in pursuance of paragraph 7 above and any representations or objections which were duly made, the Secretary of State may make a designation order.
- 9 The power to make a designation order shall be exercisable by statutory instrument.]

Changes to legislation:

There are currently no known outstanding effects for the Salmon Act 1986, SCHEDULE 1.