

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

SCHEDULES

[^{F1}SCHEDULE 2

ELECTION AND CO-OPTION OF MEMBERS OF DISTRICT SALMON FISHERY BOARDS

Textual Amendments

- F1** Sch. 2 repealed in part (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **sch. 4 Pt. 2** (with s.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

PART I

MEETING OF QUALIFIED PROPRIETORS

Calling of meeting

- 1 (1) Where there is no district salmon fishery board or transitional district board for a district, the sheriff shall, on the application of two qualified proprietors of salmon fisheries in the district,—
- (a) make up a roll of upper and lower proprietors in the district to which the application relates;
 - (b) call a meeting of these proprietors, at such time and place as he may direct, for the purpose of forming an association of proprietors of salmon fisheries for that district and electing a committee to become the district salmon fishery board for that district; and
 - (c) give notice at least once in each of two successive weeks by advertising in a newspaper circulating in the district of the date, time and place of that meeting.
- (2) Where proposals for a designation order have been considered by the Secretary of State, in accordance with Schedule 1 to this Act, and he considers that a designation order should be made—
- (a) the clerk or, acting jointly, the clerks to the district salmon fishery boards or transitional district boards for any district or districts which would be superseded by the proposed designation order shall perform, in respect of the proposed district, the duties specified in sub-paragraph (1) above; or
 - (b) where there is no district salmon fishery board for any district which would be superseded by the proposed designation order, the sheriff shall perform the duties specified in sub-paragraph (1) above on the application of two proprietors of salmon fisheries in the proposed district
- and the following provisions of this Schedule shall have effect in respect of the proposed district as if it had been designated.

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- (3) Where the salmon fishery district lies in more than one sheriffdom, the sheriff in whose jurisdiction lies the major part of that district may, for the purposes of this Schedule, perform the duties specified in sub-paragraph (1) above in an adjacent sheriffdom.
 - (4) The sheriff may recover from the committee formed in accordance with this Schedule all expenses incurred by him in the performance of his duties under this paragraph, whether or not that committee becomes a district salmon fishery board, but if it does become such a board, these expenses may be met out of the fishery assessment.
- 2 (1) At a meeting of proprietors called—
- (a) by the sheriff under paragraph 1 above;
 - (b) by the clerk to a board in accordance with section 18(1) of this Act; or
 - (c) by the clerk to a transitional district board in accordance with paragraph 7(a) of Schedule 3 to this Act,
- the proprietors present shall elect or, as the case may be, re-elect a committee to act on behalf of the association.
- (2) If—
- (a) the membership of that committee is in accordance with Part II of this Schedule; and
 - (b) the requirements of this Part as respects eligibility are met
- that committee shall be or continue to be the district salmon fishery board for that district.
- (3) Membership of such a committee, whether or not it is a district salmon fishery board, shall not affect eligibility for membership of any other such committee or board.

Election of members

- 3 ^{F2}(1) In accordance with the following provisions of this Part of this Schedule, representatives of qualified proprietors shall be elected by—
- (a) the upper proprietors from amongst themselves; and
 - (b) the lower proprietors from amongst themselves.
- (2) At least one representative shall be elected from amongst upper proprietors and at least one representative shall be elected from amongst lower proprietors but an election under this paragraph shall not be held invalid if either—
- (a) there is no upper or, as the case may be, lower proprietor; or
 - (b) there is no upper or, as the case may be, lower proprietor willing to be elected.
- (2A) The total number of representatives of qualified proprietors elected shall be at least three.]
- (3) A qualified proprietor shall have, in respect of each fishery he owns within the district, one vote in an election under this paragraph and shall have one additional vote for each £5,000 or part thereof by which the value of that fishery as entered in the valuation roll exceeds £5,000 but, subject to sub-paragraph (5) below, no proprietor shall have more than four votes in total as respects each fishery.

^{F3}(4)

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- (5) A person who is both an upper and a lower proprietor by virtue of section 11(5) of this Act shall count as both an upper and as a lower proprietor for the purposes of this paragraph and he may both vote and be elected in each capacity.

Textual Amendments

- F2** Sch. 2 paras. 3(1)(2)(2A) substituted for Sch. 2 paras. 3(1)(2) (3.5.1999) by [S.I. 1999/1111](#), [art. 2\(2\)\(a\)](#)
F3 Sch. 2 para. 4 deleted (3.5.1999) by [S.I. 1999/1111](#), [art. 2\(2\)\(b\)](#)

Balance between upper and lower proprietors

^{F4}

Textual Amendments

- F4** Sch. 2 para. 4 deleted (3.5.1999) by [S.I. 1999/1111](#), [art. 2\(3\)](#)

Co-optees

- 5 [^{F5}(1) In the co-opting of representatives of salmon anglers and of tenant netsmen under Part II below, the number of representatives of salmon anglers and tenant netsmen together shall be less than the number of elected representatives of qualified proprietors.]
- (2) A person who is both an upper and a lower proprietor by virtue of section 11(5) of this Act shall be counted in each capacity for the purposes of sub-paragraph (1) above.
- (3) A representative of salmon anglers shall be a person whom the board consider to be representative of persons angling for salmon in the district but who is not himself an upper proprietor in that district.
- (4) Before co-opting a person as a representative of salmon anglers, the board shall consult such organisations representing salmon anglers in the district as they think fit; but this requirement shall not apply to the filling of a vacancy in accordance with section 18(5) of this Act.
- (5) A representative of tenant netsmen shall be—
- (a) a tenant netsman in the district who is not a lower proprietor in that district;
 - (b) a tenant netsman in the district who is a lower proprietor in that district if—
 - (i) there are insufficient tenant netsmen who are qualified or willing to be co-opted and who are not also lower proprietors in that district; and
 - (ii) he has not been elected to the board of that district as a representative of lower proprietors or as chairman; or
 - (c) a lower proprietor in the district who is not a tenant netsman in that district if—
 - (i) there are insufficient tenant netsmen qualified or willing to be co-opted, whether or not they are also lower proprietors in that district; and

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(ii) he has not been elected to the board of that district as a representative of lower proprietors or as chairman,
but a person shall not be disqualified under this sub-paragraph solely because he is an upper proprietor in that district or has been elected to the board of that district as a representative of upper proprietors.]

Textual Amendments

F5 Sch. 2 para. 5(1) substituted (3.5.1999) by [S.I. 1999/1111](#), **art. 2(4)**

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