
STATUTORY INSTRUMENTS

1993 No. 257 (S.20)

RIVER, SCOTLAND

The Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Amendment Regulations 1993

Made - - - - *4th February 1993*
Laid before Parliament *22nd February 1993*
Coming into force - - *15th March 1993*

The Secretary of State, in exercise of the powers conferred upon him by section 2(2A) of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951⁽¹⁾ and section 3(2)(d) of the Salmon Act 1986⁽²⁾ and of all other powers enabling him in that behalf and after having consulted such persons as he considers appropriate, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Amendment Regulations 1993 and shall come into force on 15th March 1993.

(2) In these Regulations the “principal Regulations” means the Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992⁽³⁾.

Amendment of the principal Regulations

2. Regulation 2 (Definition of methods of net fishing) of the principal Regulations shall be amended as follows—

(a) in paragraph (a)—

(i) for the words from “(a) fishing for or taking” at the beginning to the end of proviso (i) there shall be substituted the following—

“(a) fishing for or taking salmon by net and coble means the use of a sweep net, paid out from a boat, and worked from the bank or shore or from waters adjacent to the bank or shore, whereby the salmon are surrounded by the net and drawn to the bank or shore, provided that—

(1) 1951 c. 26; section 2 was amended by section 21 of the Salmon Act 1986.
(2) 1986 c. 62.
(3) 1992/1974.

- (i) the net and any warps are not made or held stationary, nor allowed to remain stationary, nor allowed to drift with the current or tide, but are both paid out and hauled in as quickly as practicable and kept in unchecked motion by and under the effectual command and control of the fisherman for the purpose of enclosing the salmon within the sweep of the net and drawing them to the bank or shore;”;
- (ii) at the end of proviso (iii) the word “and” shall be omitted;
- (iii) after proviso (iv) there shall be added—
 - “(v) the net is not designed or constructed for the purpose of catching fish by enmeshing them; and”;
- (b) in paragraph (b)—
 - (i) for the word “but” there shall be substituted the words “provided that—
 - (i)”;
 - (ii) for the word “wraps” there shall be substituted the word “warps”;
 - (iii) at the end there shall be added—
 - “; and
 - (ii) no part of the net or trap is designed or constructed for the purpose of catching fish by enmeshing them.”.

3. Regulation 8 (Material of net) of the principal Regulations shall be amended by inserting at the beginning the words “Without prejudice to Regulation 2”.

4. Regulation 9 (Dimensions and hanging ratio) of the principal Regulations shall be amended as follows—

- (a) before paragraph (1) there shall be inserted the words “Without prejudice to Regulation 2—”;
- (b) paragraphs (1) and (2) shall become sub-paragraphs (a) and (b).

St. Andrew’s House,
Edinburgh
4th February 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Regulation 2 of the Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992. Adjustments are made to the definition of fishing by net and coble or by bag net, fly net or other stake net to cover working the net from bank or shore or adjacent to bank or shore and to prevent the use of nets or traps designed or constructed to enmesh the salmon. These Regulations also amend Regulations 8 and 9 to make it clear that they do not impinge on the operation of Regulation 2.