
STATUTORY INSTRUMENTS

1999 No. 1382 (S. 105)

RIVER, SCOTLAND

SALMON AND FRESHWATER FISHERIES

The Lochaber Salmon Fishery District Designation Order 1999

Made - - - - *13th May 1999*

Coming into force - - *14th May 1999*

The Secretary of State, on application to him by the Shiel (Loch Shiel) District Salmon Fishery Board, the Lochy District Salmon Fishery Board, the Morar District Salmon Fishery Board, the Aline District Salmon Fishery Board and the Leven and Coe District Salmon Fishery Board, in respect of their respective districts, and by seven proprietors in respect of the Ailort, Kilchoan or Inverie (Loch Nevis), Gour, Moidart, Sunart, Sanda and Scaddle Salmon Fishery Districts, having consulted and given notice in accordance with Schedule 1 to the Salmon Act 1986(1), and there being no objections or representations duly made, in exercise of the powers conferred on him by sections 1(2) and 2 of, and Schedule 1 to, that Act and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Lochaber Salmon Fishery District Designation Order 1999 and shall come into force on 14th May 1999.

Designation of area of district

2.—(1) The area described in Schedule 1 to this Order is designated as a salmon fishery district to be known as the Lochaber Salmon Fishery District.

(2) The existing Salmon Fishery Districts of Shiel (Loch Shiel), Lochy, Morar, Aline, Leven, Ailort, Kilchoan or Inverie (Loch Nevis), Gour, Moidart, Sunart, Sanda and Scaddle being superseded by the district designated by this Order, are abolished.

Application of regulations

3. The regulations specified in Schedule 2 to this Order shall apply to the district designated by article 2 above.

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Annual close time

4. The annual close time for the district designated by this Order shall be the period from 27th August to 10th February, both dates inclusive, in each year and the period within that time when it is permitted to fish for and take salmon by rod and line shall be the period from 27th August to 31st October, both dates inclusive, in each year.

Pentland House,
Edinburgh
13th May 1999

G M Thomson
Assistant Secretary, Scottish Office

SCHEDULE 1

Article 2(1)

DESCRIPTION OF DESIGNATED AREA

The area of the Lochaber Salmon Fishery District shall be the areas of the following former salmon fishery districts—

1. KILCHOAN or INVERIE (Loch Nevis)	The sea coast, estuary and river between on the North, Ardna Slisnich Point, and on the South, Maleg Rocks.
2. MORAR	The sea coast, estuary and river between on the North, Maleg Rocks, and on the South, Ru-Arasaig.
3. AILORT	The sea coast, estuary and river between on the North, Ru-Arasaig, and on the South, Ru-smersiri.
4. MOIDART	The sea coast, estuary and river to the east of a line drawn in a northerly direction from a point of land or rock on the mainland of the south shore of Loch Moidart, called Stroulinorg, through the centre of the island called Eilean Grucach or Gruachan, thence through that portion of the island of Strona called Stronabeg until it reaches the mainland of the north shore of Loch Moidart.
5. SHIEL (Loch Shiel)	The sea coast, estuary and river between on the North, Ru Smirsiri, and on the South, Stron Beg, in the Sound of Mull, excepting that portion of the coast and estuary and river to the east of a line drawn in a northerly direction from a point of land or rock on the mainland on the south shore of Loch Moidart called Stroulinorg, through the centre of the island called Eilean Grucach, thence through that part of the island of Strona called Stronabeg till it reaches the mainland on the north shore of Loch Moidart.
6. SUNART	The sea coast, estuary and river between on the East, the end of Fuenary Island, and on the West, Stron Beg in the Island of Mull.
7. ALINE	The sea coast, estuary and river between on the West, the East End of Fuenary Island, and on the East, Barony Point.
8. SANDA	The sea coast, estuary and river between on the North, a point 3.2 kilometres to the southward of the mouth of the River Gour, the distance to be measured along the coast at high water mark from the eastmost point of the south bank of the said River's mouth, and on the South, the

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- March Burn forming the boundary between the properties of Ardgour and Kingairloch.
9. GOUR
The sea coast, estuary and river between on the North, the Landing Place at Corran Ferry, and on the South, a point 3.2 kilometres to the southward of the River Gour, the distance to be measured along the coast at highwater mark from the eastmost point of the south bank of the River's mouth.
10. SCADDLE
The sea coast, estuary and river between on the North, a point 3.2 kilometres to the northward of the mouth of the River Scaddle, the distance to be measured by a straight line from the most southerly point on the left bank of the mouth of the River, and on the South, the Landing Place on the Argyllshire shore of Corran Ferry,
11. LOCHY
The sea coast, estuary and river between on the West, Barony Point, and on the East, Port Appin Ferry, including the west coast of Lismore, excepting those portions of the coast, estuary and rivers which lie between a point 3.2 kilometres to the northward of the mouth of the River Scaddle, the distance to be measured by a line drawn along the shore at high water mark from the most southerly point on the left bank of the mouth of the said River, and the March Burn forming the boundary between the properties of Ardgour and Kingairloch, and excepting the portions of the sea coast, estuary and river which lie between the landing place on the Inverness Shore of Corran Ferry and the projecting point North-west of Ardsheal House.
12. LEVEN
The sea coast, estuary and river between on the North, the Landing Place on the Inverness-shire shore of Corran Ferry, and on the South, the projecting point North-west of Ardsheal House,

together with the catchment area of each river which flows directly or indirectly into the sea on the mainland or island coasts of said former salmon fishery districts and the adjacent area of sea extending seaward for three miles from mean low water springs but excluding therefrom any area of sea included within the area of another salmon fishery district.

SCHEDULE 2

Article 3

REGULATIONS APPLIED TO THE DISTRICT DESIGNATED BY THIS ORDER IN ACCORDANCE WITH SECTION 2(2) OF THE SALMON ACT 1986

Regulations made under section 3 of the Salmon Act 1986

1. Part II of the Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992(2).

2. The Salmon (Fish Passes and Screens) (Scotland) Regulations 1994(3).

Regulations made under the Salmon Fisheries (Scotland) Acts 1862 to 1868(4) as respects the matters specified in section 6(6) of the Salmon Fisheries (Scotland) Act 1862

3. Byelaw made by the Commissioners appointed under the Salmon Fisheries (Scotland) Acts 1862 to 1868 dated 11th January and 19th April, 1864 with respect to the due observance of the weekly close time(5).

4. Byelaw made by the said Commissioners dated 18th April and 19th July, 1865 with respect to the construction and use of cruives(6).

5. Byelaw made by the said Commissioners dated 29th April and 19th July, 1865 with respect to the construction and alteration of mill dams or lades, or water wheels(7).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the area described in Schedule 1 as a salmon fishery district to be known as the Lochaber Salmon Fishery District (article 2(1)) and abolishes the existing Salmon Fishery Districts of Shiel (Loch Shiel), Lochy, Morar, Aline, Leven, Ailort, Kilchoan or Inverie (Loch Nevis), Gour, Moidart, Sunart, Sanda and Scaddle which are superseded by it (article 2(2)).

The Order applies those regulations made under section 3 of the Salmon Act 1986 and under the Salmon Fisheries (Scotland) Acts 1862 to 1868 as respects the matters specified in section 6(6) of the Salmon Fisheries (Scotland) Act 1862 to the district designated (article 3 and Schedule 2).

(2) S.I.1992/1974 as amended by S.I. 1993/257 and 1994/111. Part II only of S.I. 1992/1974 was made under section 3 of the 1986 Act.

(3) S.I. 1994/2524.

(4) **1862 c. 97, 1864 c. 118 and 1868 c. 123. These Acts (with the exception of certain provisions of the 1868 Act) were repealed by the Salmon Act 1986 (c. 62), section 41 and Schedule 5.**

(5) Byelaw subsequently enacted as Schedule D to the Salmon Fisheries (Scotland) Act 1868 (c. 123) by section 10 of that Act. Schedule D was repealed by the Salmon Act 1986, section 41 and Schedule 5. Byelaw retained in effect by section 3(1) of the 1986 Act.

(6) Byelaw subsequently enacted as Schedule F to the Salmon Fisheries (Scotland) Act 1868 by section 10 of that Act. Schedule F was repealed by the Salmon Act 1986, section 41 and Schedule 5. Byelaw retained in effect by section 3(1) of the 1986 Act.

(7) Byelaw subsequently enacted as Schedule G to the Salmon Fisheries (Scotland) Act 1868 by section 10 of that Act. Schedule G was amended by the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c. 26), Schedule 1 and by the Electricity (Scotland) Act 1979 (c. 11), Schedule 11 and revoked by the Salmon Act 1986, section 41 and Schedule 5. Byelaw retained in effect by sections 3(1) and 10(1) of the 1986 Act but revoked for certain purposes and revoked prospectively for others by the Salmon (Fish Passes and Screens) (Scotland) Regulations 1994 (S.I. 1994/2524).

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The Order makes provision for the annual close time and for the period during which fishing for and taking salmon by rod and line is permitted (article 4).