

SALMON CONSERVATION (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Section 1: Conservation of salmon and sea trout

Section 10A: Regulations to assist conservation of salmon

5. Subsection (1) gives those persons specified in section 6(4) of the 1986 Act the power to apply to Scottish Ministers for regulations to be made to conserve salmon and/or sea trout. Eligible applicants include the district salmon fishery board for a salmon fishery district, or, where there is no such board, two proprietors of salmon fisheries within that district.
6. Subsection (2) describes the form that an application shall take. The application should be in writing and should include a general description of the proposals, why they are deemed to be necessary, and statement of the general effect of the proposals.
7. Subsection (3) empowers Scottish Ministers to make such regulations either in response to an application under subsection (1) or of their own accord if they consider that conservation measures are necessary or expedient.
8. Subsection (4) makes clear that just because the regulations deal also with management, does not mean that they are not to do with matters of conservation.
9. Subsection (5) requires Scottish Ministers, when considering whether or not to make regulations, to take account of representations from persons with an interest in fishing for or taking salmon, or in the environment.
10. Subsection (6) makes clear that the new powers relate only to salmon fisheries and cannot be used to make provision which could be made under existing powers, except in the case of baits and lures, which are separately covered for the purposes of the provisions referred to in subsection (7)(b).
11. Subsection 7(a) confirms that the power conferred by the section extends to the making of provision in regulations to require a proprietor to provide information to a district salmon fishery board. This is intended to improve the information base of District Salmon Fishery Boards.
12. Together with subsection (6), subsection (7)(b) gives Ministers powers to make regulations in relation to baits and lures for the purposes of the provisions referred to in subsection (7)(b) without having to receive an application under section 8 of the 1986 Act.