



# Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

2003 asp 15

## PART 1

### METHODS OF FISHING AND OFFENCES RELATED TO FISHING

#### *Regulation of salmon fisheries*

#### **31 Salmon fishing: general regulations**

- (1) The Scottish Ministers may, after consulting such persons as they consider appropriate, make regulations with respect to—
- (a) the due observance of the weekly close time for salmon;
  - (b) the construction and use of cruives;
  - (c) the construction and alteration of dams, lades or water wheels so as to afford a reasonable means for the passage of salmon;
  - (d) the meshes, materials and dimensions of nets used in fishing for or taking salmon;
  - (e) obstructions in rivers or estuaries to the passage of salmon;
  - (f) the construction, alteration and use for the control of the passage of salmon of—
    - (i) screens in off-takes from inland waters; and
    - (ii) structures associated with such screens.
- (2) Regulations made under paragraphs (c) or (f) of subsection (1) above—
- (a) may except from a regulation or part of a regulation any works or any category of works; and
  - (b) are subject to section 32 of this Act.
- (3) The power to make regulations under subsection (1)(d) above includes power—
- (a) to make different provision for different districts or different parts of a district; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) to except from the application of a regulation or part of a regulation a district or part of a district specified in the regulations.
- (4) For the purposes of section 1 of this Act, and after consulting such persons as they consider appropriate, the Scottish Ministers may by regulations define fishing for or taking salmon by—
- (a) net and coble;
  - (b) bag net, fly net or other stake net;
  - (c) haaf net,
- whether by reference to anything used for the purpose, or to the circumstances in which or method by which it is so used, or to any combination thereof; and, in relation to net and coble, may make different provision as respects inland waters from that made as respects other waters.
- (5) The Scottish Ministers may, after consulting such persons as they consider appropriate, make regulations amending section 13 of this Act, but such regulations shall not reduce—
- (a) the weekly close time to a period of less than 42 hours;
  - (b) the period within the weekly close time during which it is permitted to fish for salmon by rod and line to less than 24 hours; or
  - (c) the period during which all fishing for salmon is prohibited to less than 24 hours.
- (6) Any proprietor or occupier of a fishery at which stake weirs, stake nets, fly nets or bag nets are used who fails, in regard to such weirs or nets, to do all acts required by regulations made under subsection (1) above for the observance of the weekly close time shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) Any person who contravenes a regulation made under this section shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) A person who commits an offence under this section may be convicted on the evidence of one witness.