



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 2

SALMON FISHERIES, ETC.

Governance

25 Duty to consult and report before making certain applications

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is amended in accordance with this section.
- (2) In each of the following provisions, for “10” substitute “ 9B ”
 - (a) subsection (7) of section 33 (salmon fishing: regulations as to baits and lures),
 - (b) subsection (3) of section 35 (designation orders),
 - (c) subsection (4) of section 36 (estuary limits),
 - (d) subsection (4) of section 37 (annual close times for salmon).
- (3) In schedule 1 (procedure for making certain orders and regulations under the Act), before paragraph 10 insert—

“9B (1) This paragraph applies where a person (the “applicant”) proposes to make an application to the Scottish Ministers under paragraph 1, 3, 5 or 7 above.

(2) The applicant must—

- (a) give notice in accordance with sub-paragraph (3) below that an application is proposed,
- (b) specify in the notice the period within which, and the manner in which, representations or objections with respect to the proposed application may be made,
- (c) specify in the notice details of—

Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 25. (See end of Document for details)

- (i) where and how such representations or objections (if any are made) may be viewed, and
 - (ii) how copies of any such representations or objections that are made may be obtained,
 - (d) consult persons who, so far as the applicant can reasonably ascertain, have an interest in, or may be affected by, the proposed application, and
 - (e) specify the period (being not less than 28 days beginning with the date of consultation) within which, and the manner in which, representations or objections with respect to the proposed application may be made by such persons.
 - (3) A notice of the proposed application must be published at least once in each of two successive weeks in a newspaper (which may be a local newspaper) circulating in the district or districts affected by the proposed application.
 - (4) The period mentioned in sub-paragraph (2)(b) above is a period of not less than 28 days beginning with—
 - (a) if notice of the proposed application is published only once in the first of the two successive weeks as mentioned in sub-paragraph (3) above, the date on which it is published in that week,
 - (b) if such notice is published more than once in the first of those two successive weeks, the date on which it is first published in that week.
 - (5) In deciding whether or not to make the proposed application, the applicant must take into account any representations and objections made in respect of it.
 - (6) Having decided whether or not to make the proposed application, the applicant must—
 - (a) publish in a newspaper (which may be a local newspaper) circulating in the district or districts affected by the proposed application a notice containing—
 - (i) a summary of the reasons for the decision,
 - (ii) details of where and how a written statement of such reasons may be viewed, and
 - (iii) details of how copies of such a written statement may be obtained, and
 - (b) send a copy of such a written statement to any person who made representations or objections to the proposed application under this paragraph.
 - (7) The costs of complying with sub-paragraphs (2) and (6) above are to be met by the applicant.
- 9C (1) This paragraph applies where an applicant, having complied with the requirements of paragraph 9B above, decides to make an application mentioned in sub-paragraph (1) of that paragraph.

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- (2) When making the application, the applicant must include a report—
- (a) stating that the requirements of paragraph 9B above have been complied with,
 - (b) explaining how those requirements were complied with,
 - (c) providing details of the persons consulted,
 - (d) explaining the substance of any representations and objections made in relation to the application, and the extent to which they were taken into account in deciding to proceed with the application, and
 - (e) giving the reasons for proceeding with the application.”.

Commencement Information

II S. 25 in force at 16.9.2013 by [S.S.I. 2013/249](#), **art. 2**

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