



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

2003 asp 15

PART 2

ADMINISTRATION OF SALMON FISHERIES

Salmon fishery districts

34 Salmon fishery districts

- (1) Subject to subsection (2) below, a salmon fishery district shall be the area within the coastal limits of a district (within the meaning of the 1862 to 1868 Acts), and extending—
 - (a) seaward for 5 kilometres from mean low water springs; and
 - (b) landward to include the catchment area of each river which flows directly or indirectly into the sea within the coastal limits of the salmon fishery district.
- (2) The Scottish Ministers may, in accordance with section 35 of this Act, by order (in this Act referred to as a “designation order”) designate any area as a salmon fishery district, whether or not it includes all or part of an existing salmon fishery district.
- (3) After consulting such persons as they think fit, the Scottish Ministers may, by order—
 - (a) where an island or part of an island is not within the area of a salmon fishery district by virtue of subsection (1) or (2) above, include in the area of such a district—
 - (i) that island or that part; and
 - (ii) the sea within 5 kilometres from mean low water springs on that island or that part;
 - (b) where there is doubt as to whether a particular place is in a particular salmon fishery district, make provision for the purpose of removing that doubt; or
 - (c) change a reference used in describing a salmon fishery district where the suitability of that reference for that purpose has lessened or ceased,but such an order shall not create a salmon fishery district.

35 Designation orders

- (1) A designation order shall provide for the abolition of such salmon fishery districts as are superseded by the district so designated.
- (2) Subject to section 37(1) of this Act, a designation order shall specify for the district so designated the annual close time and the periods within that time when it is permitted to fish for and take salmon by rod and line; and the order may make different provision for different parts of the district.
- (3) Paragraphs 1, 2 and 10 to 15 of schedule 1 to this Act shall have effect in relation to the making of designation orders.
- (4) The Scottish Ministers may by order vary the provisions of paragraphs 1, 2 and 10 to 15 of schedule 1 to this Act.

36 Estuary limits

- (1) For the purposes of this section “estuary limits” means limits which divide each river including its mouth or estuary from the sea.
- (2) The estuary limits of a river shall be the limits fixed and defined—
 - (a) under section 6(1) of the 1862 Act; or
 - (b) under an estuary limits order made under subsection (3) below,and, where no such limits have been fixed as provided for in the preceding paragraphs of this subsection, the estuary limits of a river shall be the natural limits which divide a river (including its estuary) from the sea.
- (3) The Scottish Ministers may, in relation to any river, and whether or not any such limits have previously been fixed, by order (in this Act referred to as an “estuary limits order”) prescribe limits which shall be the estuary limits for that river.
- (4) Paragraphs 3, 4 and 10 to 15 of schedule 1 to this Act shall have effect in relation to the making of an estuary limits order.
- (5) Where the estuary limits of any river have been fixed, and after consulting such persons as they think fit, the Scottish Ministers may, by order, change a reference used in describing estuary limits where the suitability of that reference for that purpose has lessened or ceased; but such an order shall not be an estuary limits order.