
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 572

RIVER

SALMON AND FRESHWATER FISHERIES

The Conservation of Salmon (Collection of Statistics) (Scotland) Regulations 2006

Made - - - - - *27th November 2006*
Laid before the Scottish
Parliament - - - - - *30th November 2006*
Coming into force - - - - - *1st January 2007*

The Scottish Ministers, having had regard to representations made to them by those persons mentioned in section 38(3) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003⁽¹⁾ and complied with all necessary procedures required by section 38(9) of, and paragraphs 7 to 15 of schedule 1 to, that Act and having considered representations and objections made, in exercise of the powers conferred by section 38(1) and (5)(a) of, and paragraph 7(b) of schedule 1 to, that Act and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Conservation of Salmon (Collection of Statistics) (Scotland) Regulations 2006 and shall come into force on 1st January 2007.

Power to require information

2.—(1) Subject to paragraph (2), a district salmon fishery board may by notice given by post require any proprietor or occupier of a salmon fishery within its district to supply it with such statistics as it considers necessary relating to the—

- (a) number;
- (b) species;
- (c) description and weight; and
- (d) method and date of capture,

(1) 2003 asp 15.

of salmon caught (and caught and released) in that salmon fishery in each calendar month in such period, not exceeding 12 calendar months immediately prior to the calendar month in which the notice is given, as is specified in the notice.

(2) A notice under paragraph (1) may be given at intervals of not less than 6 months.

Compliance with a notice given under regulation 2

3.—(1) A proprietor or occupier of a salmon fishery shall supply the statistics required by a notice given under regulation 2 within 28 days of the date on which notice was given.

(2) The statistics referred to in paragraph (1) may be supplied by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000⁽²⁾), which has been recorded and is consequently capable of being reproduced.

St Andrew's House,
Edinburgh
27th November 2006

RHONA BRANKIN
Authorised to sign by the Scottish Ministers

(2) 2000 c. 7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 38(1) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (“the 2003 Act”) enables Scottish Ministers to make regulations if they consider it necessary or expedient to do so for the conservation of salmon.

These Regulations allow district salmon fishery boards to require proprietors or occupiers of salmon fisheries within their district to provide them with certain statistics. This is done by notice given by post (regulation 2).

The statistics which proprietors or occupiers may be required to provide relate to the number, species, description and weight and method and date of capture of salmon caught and caught and released in each calendar month within a specified period. The notice requiring the information must specify the period for which the statistics are required. The period cannot exceed 12 calendar months immediately prior to the calendar month in which the notice is given (regulation 2(1)).

There must be at least 6 months between notices given under regulation 2 (regulation 2(2)).

Regulation 3 requires a proprietor or occupier of a salmon fishery to comply with a notice under regulation 2(1) to supply statistics within 28 days of the date notice was given. Section 38(7)(b) of the 2003 Act provides that any person who fails to comply with a requirement under regulations made under section 38 of the Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale. At the time of coming into force of these Regulations level 4 on the standard scale is £2,500.

A Regulatory Impact Assessment in relation to these Regulations has been prepared and placed in the Scottish Parliament Information Centre. Copies of it can be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY.