
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.