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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

**The Scotland Act 1998 (River Tweed) Order 2006**

**PART 2**

**METHODS OF FISHING AND OFFENCES RELATED TO FISHING**

*Exemptions*

**Exemption from certain offences of acts done for scientific and other purposes: salmon**

**48.**—(1) A person shall not, in respect of any act or omission relating to salmon or salmon roe or eggs, be guilty of a contravention of an enactment prohibiting or regulating that act or omission if—

- (a) the act or omission is for—
  - (i) some scientific purpose;
  - (ii) the purpose of protecting, improving or developing stocks of fish;
  - (iii) the purpose of conserving any creature or other living thing;
  - (iv) the purpose of cleaning or repairing any dam or mill lade; or
  - (v) the purpose of exercising any right of property in the bed of any river or stream; and
- (b) that person has obtained the previous permission, in writing—
  - (i) if the act or omission is one to which this sub-paragraph applies, of the Commission or of the Scottish Ministers; and
  - (ii) in any other case, of the Scottish Ministers,for the act or omission.

(2) Paragraph (1)(b)(i) applies if the act or omission referred to in that provision is a contravention of article 23, 27(c), 28 (so far as that article relates to article 22), 29, 30, 42, 43 or 47.

(3) A permission under paragraph (1) shall specify the act or omission permitted and the enactment to which the permission relates.