
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Scotland Act 1998 (River Tweed) Order 2006

PART 4

PROVISIONS APPLICABLE ONLY IN SCOTLAND

Administration of freshwater fisheries

Powers of entry and obstruction of wardens etc.

70.—(1) A warden shall have right to enter any land—

- (a) in the vicinity of any waters in the prescribed area for the purpose of exercising any of the powers conferred by article 70(1);
- (b) for the purpose of affixing or maintaining a copy of any order or notice which that warden is required to affix or maintain by any provision of Schedule 3;
- (c) in the vicinity of any waters in the prescribed area and remain there during any period for the purpose of preventing a breach of a protection order or of detecting any person contravening a protection order; and no warden remaining on such land for such a purpose shall be deemed to be a trespasser on that land.

(2) Any person duly authorised in writing by the Scottish Ministers under Schedule 3 shall have a right to enter land for the purpose of affixing or maintaining a copy of any notice or order which that warden is required to affix or maintain by any provision of that Schedule.

(3) Any person who wilfully obstructs or refuses to allow—

- (a) a warden to exercise any of the powers conferred by article 70(1) or paragraph (1); or
- (b) any person referred to in paragraph (2) to exercise the powers conferred by that paragraph,

shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months.

(4) The production of the instrument of appointment of a warden purporting to be signed by or on behalf of the Scottish Ministers or of the authorisation by the Scottish Ministers of any person referred to in paragraph (2) shall be sufficient warrant for the exercise of any power which has been conferred on that warden or such a person.

(5) In this article, “land” does not include any building.