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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND  
RIVER, SCOTLAND  
RIVER, ENGLAND AND WALES**

The Scotland Act 1998 (River Tweed) Order 2006

*Made* - - - - 2006

*Coming into force* 2006

THE SCOTLAND ACT 1998 (RIVER TWEED) ORDER 2006

PART 1

ADMINISTRATION

1. Citation, commencement, application and extent
2. Definition of the Tweed district
3. Definition of Estuary Limits
4. Interpretation
5. The River Tweed Commission
6. Election of Proprietary Commissioners
7. Representative Commissioners
8. Chief Commissioner and Deputy
9. Functions of the Commission
10. Application of the seal

*Officers and Employees*

11. Officers and employees

*Meetings of the Commission*

12. Meetings of the Commission
13. Quorum at Commission meetings
14. Votes at Commission meetings
15. Expenses

*Valuation and Finance*

- 16. Valuation
- 17. Information for valuation
- 18. Fishery Assessment
- 19. Enforcement
- 20. Annual report

*Miscellaneous*

- 21. Power to conduct inquiries and to obtain information

PART 2

METHODS OF FISHING AND OFFENCES RELATED TO FISHING

*Methods of fishing*

- 22. Methods of fishing: salmon
- 23. Methods of fishing: freshwater fish
- 24. Use of landing net
- 25. Definition of “rod and line”

*Offences related to fishing for salmon and freshwater fish*

- 26. Prohibition against using explosive and other noxious substances for the destruction of fish
- 27. Fishing for salmon without right or permission
- 28. Illegal fishing by two or more persons acting together
- 29. Taking of dead fish
- 30. Illegal possession of salmon or trout
- 31. Removal of obstructions
- 32. Offences in relation to passage of salmon
- 33. Fishing in waters where fishing rights owned by one person
- 34. Contravention of protection order

*Close times for salmon*

- 35. Weekly close time for salmon
- 36. Annual close time for salmon
- 37. Fishing for salmon during annual close time
- 38. Removal of boats and nets during annual close time
- 39. Buying and selling salmon in annual close time

*Close time for trout*

- 40. Annual close time for trout

*Offences relating to sale, purchase and possession of salmon and trout*

- 41. Unclean salmon
- 42. Salmon roe
- 43. Possessing salmon which have been illegally taken, killed or landed
- 44. Packages of salmon or trout to be marked
- 45. Size limit for trout
- 46. Young salmon and spawning beds
- 47. Unauthorised introduction of fish or fish eggs into certain waters

### *Exemptions*

- 48. Exemption from certain offences of acts done for scientific and other purposes: salmon
- 49. Exemption from certain offences in respect of acts done for scientific and other purposes: fish other than salmon
- 50. Exemption from certain offences in respect of certain acts in relation to salmon
- 51. Exemptions in relation to fish farming

### *Regulation of fisheries*

- 52. General orders
- 53. Salmon fishing: orders as to baits and lures

### *Conservation measures*

- 54. Salmon conservation orders

### *Procedures*

- 55. Procedure for making certain orders

## PART 3

## ENFORCEMENT

### *Powers of constables and water bailiffs*

- 56. Grant of warrant to search premises or vehicles
- 57. Powers of constables
- 58. Powers of constables and water bailiffs to enter land
- 59. Powers of water bailiffs

### *Further provision as to offences*

- 60. Offences by bodies corporate
- 61. Offences in relation to obstruction

### *Powers of court*

- 62. Power of court in trial for an offence to convict of another
- 63. Forfeiture
- 64. Defences
- 65. Jurisdiction in respect of offences committed on sea coast or at sea
- 66. Jurisdiction
- 67. Disqualification of justices

## PART 4

## PROVISIONS APPLICABLE ONLY IN SCOTLAND

### *Administration of freshwater fisheries*

- 68. Increased availability of, and protection for, freshwater fishing
- 69. Appointment of wardens to secure compliance with protection order
- 70. Powers of entry and obstruction of wardens etc.
- 71. Financial contributions towards organisations developing freshwater fisheries

*Miscellaneous*

- 72. Licensing and regulation of salmon dealing
- 73. Application of Leases Act 1449

PART 5

PROVISION APPLICABLE ONLY IN ENGLAND AND WALES

- 74. Power of Commission to prosecute in England and Wales

PART 6

GENERAL

- 75. Application of this Order to the Crown
- 76. Consequential amendments, repeals, revocations and transitional provisions
- 77. Orders  
Signature

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SCHEDULE 1 — REPRESENTATIVE COMMISSIONERS

SCHEDULE 2 — ESTUARY LIMITS ORDERS, ANNUAL CLOSE TIME ORDERS  
AND SALMON CONSERVATION ORDERS

- 1. ***Estuary limits orders***
- 2. An application under paragraph 1 shall be accompanied by the...
- 3. ***Annual close time orders***
- 4. An application under paragraph 3 shall be accompanied by the...
- 5. ***Salmon conservation orders***
- 6. An application under paragraph 5(a) shall be in writing and...
- 7. In the application of paragraphs 8 to 13 to a...
- 8. ***Common provisions with respect to orders***
- 9. (1) Before making an order, the Scottish Ministers shall direct...
- 10. At any time, the Scottish Ministers may alter the proposals...
- 11. ***Making of annual close time, estuary limits or salmon conservation order***
- 12. (1) If any representation or objection duly made is not...
- 13. After considering the report of the person appointed to hold...
- 14. Applications under this Schedule may be communicated and stored electronically....

SCHEDULE 3 — PROVISIONS AS TO MAKING, VARIATION AND  
REVOCATION OF PROTECTION ORDERS

- 1. ***Making of protection order***
- 2. The notice to be given under paragraph 1 shall be...
- 3. The Scottish Ministers may direct that, in addition to publication...
- 4. If no representations or objections are duly made, or if...
- 5. (1) If any representation or objection duly made is not...
- 6. After considering the report of the person appointed to hold...
- 7. As soon as may be after a protection order has...
- 8. ***Variation of protection order***
- 9. ***Revocation of protection order***
- 10. ***Publication of orders***

SCHEDULE 4 — CONSEQUENTIAL AMENDMENTS, REPEALS AND  
REVOCATIONS

PART 1 — CONSEQUENTIAL AMENDMENTS

1. ***Sea Fish (Conservation) Act 1967 (c. 84)***
2. ***Salmon and Freshwater Fisheries Act 1975 (c. 51)***
3. ***Inshore Fishing (Scotland) Act 1984 (c. 26)***
4. ***Scotland Act 1998 (c. 46)***

PART 2 — REPEALS AND REVOCATIONS

Explanatory Note