
EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies to the Tweed district which includes the catchment of the River Tweed and the other rivers that run to the sea between, in the north a point on the coast at the boundary between the Scottish Borders and East Lothian and, in the south, a point on the coast west of Holy Island, and an adjacent area of sea.

It consolidates, with some amendments, the existing salmon and freshwater fisheries legislation for the Tweed district. The Order makes provision in relation to the Tweed district by—

- (a) defining the Tweed district and Estuary limits of the River Tweed;
- (b) providing for the establishment of the River Tweed Commission, with powers to administer salmon and freshwater fisheries in the district for the purposes of protection or improvement of the fisheries, preservation of salmon and freshwater fish, and stocking of the district with salmon or freshwater fish;
- (c) defining permissible methods of fishing for salmon and freshwater fish, and defining offences and penalties where there is non-compliance;
- (d) making provision for weekly and annual close times for fishing;
- (e) detailing offences relating to the sale, purchase and possession of salmon and trout; in relation to the disturbance or destruction of juvenile salmon and spawning beds, the balance between property rights in the bed of a river and conservation of juvenile salmon has been changed in favour of conservation, but provision is made for proprietors to obtain permission to undertake necessary works;
- (f) defining exemptions from certain offences or acts if done for scientific or other purposes;
- (g) enabling Scottish Ministers to make Orders in relation to the regulation of fisheries and for the conservation of salmon;
- (h) giving powers to water bailiffs and police constables to enforce the provisions of the Order;
- (i) providing for the making of protection orders, where appropriate, to make it an offence to fish for freshwater fish without legal right or written permission;
- (j) giving powers to wardens to enforce protection order provisions;
- (k) providing for the licensing and regulation of salmon dealers;
- (l) providing powers to the River Tweed Commission to prosecute in the courts in England and Wales;
- (m) making provision for the application of the Order to the Crown.

This Order restricts the application of provisions in the enactments listed in Schedule 4 to exclude the Tweed district, and makes consequential amendments. The Order replaces 19th, 20th and 21st Century legislation in respect of the Tweed district, which is repealed under Schedule 4.