
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Scotland Act 1998 (River Tweed) Order 2006

PART 6

GENERAL

Application of this Order to the Crown

75.—(1) Subject to such modifications as may be prescribed, Part 1, articles 36, 37 and 41 and Part 4 shall apply to land—

- (a) an interest in which belongs to Her Majesty in right of the Crown;
- (b) an interest in which belongs to a government department or the Scottish Administration; or
- (c) which is held in trust for Her Majesty for the purposes of a government department or the Scottish Administration,

and, for the purposes of this article, “land” includes salmon fisheries.

(2) Except as provided in paragraph (1), this Order shall not apply to the Crown.

Consequential amendments, repeals, revocations and transitional provisions

76.—(1) The enactments mentioned in Part 1 of Schedule 4 shall have effect subject to the amendments mentioned in that Part, being amendments consequential upon the provisions of this Order.

(2) Without prejudice to article 35, 36 or 77(3)—

- (a) the weekly close time for salmon fishing shall extend from the hour of six in the evening on Friday to the hour of six on the following Monday morning;
- (b) the annual close time for salmon fishing in the district shall run from 15th September in any year until 14th February in the following year, both dates inclusive;
- (c) fishing for salmon by rod and line (but only with the artificial fly) shall be permitted between 15th September and 30th November, and between 1st February and 14th February, all dates inclusive,

but these provisions shall cease to have effect when corresponding provision made under article 35, 36 or 77(3) comes into force.

(2) The enactments mentioned in the first column of Part 2 of Schedule 4 are repealed or revoked to the extent mentioned in the second column of that Schedule, in so far as they apply to the district.

Orders

77.—(1) Any power of the Scottish Ministers to make orders under this Order shall be exercised by statutory instrument.

(2) Subject to paragraph (4), a statutory instrument containing any order under this Order shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

(3) Without prejudice to paragraph (2) or to any general power to consolidate subordinate legislation, the requirements of this Order in relation to applications or consultation in respect of certain of the subordinate legislation which may be made under this Order shall not apply in relation to any statutory instrument reproducing or consolidating any provisions made by, under or by virtue of the Tweed Acts or any general legislation relating to salmon and freshwater fisheries in the district, and which could be made under or by virtue of any provision of this Order.

(4) Paragraph (2) does not apply to orders made under articles—

- (a) 3(5) (estuary limits order);
- (b) 3(7) (orders ancillary to estuary limits orders);
- (c) 36(1) (annual close time orders);
- (d) 53(1) (prohibition of specified baits and lures);
- (e) 68(1) (protection orders).