

SCHEDULE 2

Articles 3(6), 36(3), 53(5), 54(9), 55

ESTUARY LIMITS ORDERS, ANNUAL CLOSE TIME ORDERS AND SALMON CONSERVATION ORDERS

Estuary limits orders

1. The Scottish Ministers may make an estuary limits order only on application to them by the Commission.
2. An application under paragraph 1 shall be accompanied by the Commission's written proposals which shall state—
 - (a) the proposed estuary limits; and
 - (b) the general effect of the proposals.

Annual close time orders

3. The Scottish Ministers may make an annual close time order only on application to them by the Commission.
4. An application under paragraph 3 shall be accompanied by the Commission's written proposals which shall state—
 - (a) the proposed dates of the annual close time and the periods within that time when it shall be permitted to fish for and take salmon by rod and line; and
 - (b) the general effect of the proposals,and the proposals may include different dates and periods for different parts of the district.

Salmon conservation orders

5. The Scottish Ministers may make a salmon conservation order either—
 - (a) on an application to them by the Commission; or
 - (b) otherwise.
6. An application under paragraph 5(a) shall be in writing and shall contain the Commission's proposals, including—
 - (a) a general description of the proposals;
 - (b) a statement as to why the Commission considers that the proposals are necessary or expedient; and
 - (c) a statement as to the general effect of the proposals.
7. In the application of paragraphs 8 to 13 to a salmon conservation order made under paragraph 5(b)—
 - (a) references to the Commission and to an application shall be omitted;
 - (b) the reference in paragraph 8 to the persons who shall be consulted shall be construed as including, in particular, the Commission; and
 - (c) paragraph 9(3) shall be omitted.

Common provisions with respect to orders

8. On receiving an application under paragraph 1, 3 or 5, the Scottish Ministers shall consult such persons as they consider appropriate and may—

- (a) request from the Commission such additional information as they think fit;
- (b) dismiss the application; or
- (c) proceed in accordance with the remaining provisions of this Schedule.

9.—(1) Before making an order, the Scottish Ministers shall direct that notice of the general effect of the proposals shall be given, specifying the time (not being less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposals may be made.

(2) Notice shall be given at least once in each of two successive weeks by advertising in a newspaper circulating in the district.

(3) The cost of giving notice shall be met by the applicant under paragraph 1, 3 or 5.

10. At any time, the Scottish Ministers may alter the proposals in such way as they think fit and shall consider whether such alterations are sufficient to require—

- (a) further consultation as mentioned in paragraph 8; and
- (b) further notice to be given under paragraph 9.

Making of annual close time, estuary limits or salmon conservation order

11. If no representations or objections are duly made, or if all so made are withdrawn, the Scottish Ministers may make an order.

12.—(1) If any representation or objection duly made is not withdrawn, the Scottish Ministers may, after considering it—

- (a) make an order;
- (b) dismiss the application; or
- (c) cause a local inquiry to be held.

(2) Where they decide to proceed under sub-paragraph (1)(c), the Scottish Ministers shall appoint a person to hold the inquiry and to report thereon to them.

(3) Notification of the time when and the place where the inquiry is to be held shall be sent to any person who has duly made and has not withdrawn representations about or objections to the proposals, and shall be published at least once in each of two successive weeks in a newspaper circulating in the district.

(4) The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.

(5) The Scottish Ministers may make orders as to the expenses incurred by them in relation to the inquiry (including such reasonable sum as they may determine for the services of the person appointed to hold the inquiry) and as to the expenses incurred by the parties to the inquiry and as to the parties by whom such expenses shall be paid.

(6) Any order of the Scottish Ministers under sub-paragraph (5) requiring any party to pay expenses may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

13. After considering the report of the person appointed to hold the inquiry in pursuance of paragraph 12 and any representations or objections which were duly made, the Scottish Ministers may make an order, or dismiss the application.

14. Applications under this Schedule may be communicated and stored electronically.