

## STATUTORY INSTRUMENTS

# 1992 No. 1974

## The Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992

### PART II

Regulations made under sections 3 and 10 of the Salmon Act 1986

#### Modifications etc. (not altering text)

- C1** Pt. 2 applied (14.5.1999) by [The Lochaber Salmon Fishery District Designation Order 1999 \(S.I. 1999/1382\)](#), art. 1, **Sch. 2 para. 1**
- C2** Pt. 2 applied (14.5.1999) by [The Conon Salmon Fishery District Designation Order 1999 \(S.I. 1999/1381\)](#), art. 1, **Sch. 2 para. 1**
- C3** Pt. 2 applied (29.5.1999) by [The North and West Salmon Fishery District Designation Order 1999 \(S.I. 1999/1380\)](#), art. 1, **Sch. 2 para. 1**

#### Interpretation

4. In this part of these Regulations—

[<sup>F1</sup>“the Commission Regulation” means Commission Regulation (EC) No 517/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets;]

“hanging ratio” means the ratio between the length of a portion of rope from which netting is hung and the length of the stretched netting hung from that portion of rope; and for the purpose of this definition “stretched” means fully extended parallel to the rope;

“monofilament netting” means any netting containing any mesh the sides of which consist of a single filament of synthetic material; and

“square mesh netting” means netting mounted so that of the two sets of parallel lines formed by the mesh bars one set is parallel to, and the other at right-angles to, the long axis of the net.

- F1** Words in [reg. 4](#) substituted (28.3.2019) by [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/24\)](#), regs. 1(2)(a), **2(2)**

#### Commencement Information

- I1** [Reg. 4](#) in force at 1.1.1993, see [reg. 1\(1\)](#)

#### Application of this Part

5. Regulations 4 to 9 of these Regulations shall apply to any net used in fishing for or taking salmon except a landing net used—

- (a) as an auxiliary to fishing for or taking salmon by rod and line;

*Changes to legislation: There are currently no known outstanding effects for the The Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992, PART II. (See end of Document for details)*

(b) to remove salmon from a bag net, fly net or other stake net.

**Commencement Information**

**I2** [Reg. 5](#) in force at 1.1.1993, see [reg. 1\(1\)](#)

**Mesh size of net**

**6.—(1)** Any net used in fishing for or taking salmon shall have a mesh size of not less than 90mm as measured in accordance with regulation 7.

(2) The setting of two or more nets in any way with the practical effect of reducing the mesh size of the nets used to less than 90mm is hereby prohibited.

**Commencement Information**

**I3** [Reg. 6](#) in force at 1.1.1993, see [reg. 1\(1\)](#)

**Measurement of mesh size**

**7.—(1)** For the purposes of these Regulations the mesh size shall be measured in accordance with the provisions of the Commission Regulation.

<sup>F2</sup>(2) .....

**F2** [Reg. 7\(2\)](#) omitted (28.3.2019) by virtue of [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/24\)](#), regs. 1(2)(a), **2(3)**

**Commencement Information**

**I4** [Reg. 7](#) in force at 1.1.1993, see [reg. 1\(1\)](#)

**Material of net**

**8.** [<sup>F3</sup>Without prejudice to Regulation 2] no monofilament netting shall be used in the construction of any net used in fishing for or taking salmon.

**F3** Words in [reg. 8](#) inserted (15.3.1993) by [The Salmon \(Definition of Methods of Net Fishing and Construction of Nets\) \(Scotland\) Amendment Regulations 1993 \(S.I. 1993/257\)](#), regs. 1(1), **3**

**Commencement Information**

**I5** [Reg. 8](#) in force at 1.1.1993, see [reg. 1\(1\)](#)

**[<sup>F4</sup>Thickness of twine**

**8A.—(1)** Without prejudice to regulation 2 and subject to paragraph (4) hereof, no twine forming all or any part of the sides of the meshes of a net used in fishing for or taking salmon shall have a mean thickness (measured in accordance with this regulation) in any part of its length of less than 0.9 millimetres.

(2) In this regulation, “mean thickness” shall be the arithmetical mean of twenty measurements of thickness taken at random along a continuous length of at least 300 millimetres of the twine.

(3) Twine shall be measured for the purposes of this regulation only when wet and held taut and no measurement shall be taken of any part of the twine which is, or has been, occupied or distorted by a knot.

(4) This regulation shall not apply to any poke net used in fishing for or taking salmon under a certificate of privilege issued under the Solway Salmon Fisheries Commissioners (Scotland) Act 1877.]

**F4** Reg. 8A inserted (20.2.1994) by [The Salmon \(Definition of Methods of Net Fishing and Construction of Nets\) \(Scotland\) Amendment Regulations 1994 \(S.I. 1994/111\)](#), regs. 1(1), 2

### Dimensions and hanging ratio for leader of bag net, fly net or stake net

9. [F5 Without prejudice to Regulation 2—]

[F6(a)] The leader of any bag net, fly net or other stake net shall be so mounted that the hanging ratio is at least 66%.

[F6(b)] The length of the leader of any bag net, fly net or other stake net shall not exceed 300m.

**F5** Words in reg. 9 inserted (15.3.1993) by [The Salmon \(Definition of Methods of Net Fishing and Construction of Nets\) \(Scotland\) Amendment Regulations 1993 \(S.I. 1993/257\)](#), regs. 1(1), 4(a)

**F6** Reg. 9(1)(2) renumbered as reg. 9(a)(b) (15.3.1993) by [The Salmon \(Definition of Methods of Net Fishing and Construction of Nets\) \(Scotland\) Amendment Regulations 1993 \(S.I. 1993/257\)](#), regs. 1(1), 4(b)

### Commencement Information

**I6** Reg. 9 in force at 1.1.1993, see [reg. 1\(1\)](#)

### Amendment to the Tweed Fisheries Amendment Act 1859

10.—(1) Section 12 of the Tweed Fisheries Amendment Act 1859 shall be amended as follows:—

(a) in the provision and regulation beginning “In every such Stake Net...” for the words “Three Feet” there shall be substituted “90cm”; and

(b) after the provision and regulation beginning “The netting of the leader...” there shall be inserted the following provisions and regulations:—

“The nets used in the formation and construction of stake nets and bag nets shall not comprise monofilament netting that is to say any netting containing any mesh, the sides of which consists of a single filament of synthetic material:

The leader of any bag net or stake net shall not exceed 300m in length.”

(2) Section 13 of the said Act of 1859 shall be amended as follows:—

(a) for the words from the beginning to “Seven Inches round” there shall be substituted “It shall not be lawful to shoot, draw or use in the river any net of which the meshes shall be less than 90mm”; and

(b) after “Rod and Line” there shall be inserted—

“which mesh size shall be measured in accordance with Commission Regulation (EEC) No 2108/84 (which lays down detailed rules for determining the mesh size of fishing nets) except that in the case of square mesh netting (that is to say netting mounted so that of the 2 sets of parallel lines formed by the mesh bars one set is parallel to and the other at right-angles to the long axis of the net) the method set

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out in article 2(1) and (4) of the said Commission Regulation shall not be used but instead the net shall be stretched in the direction of each diagonal of the mesh and the measurement shall be taken of each stretched diagonal and the size of the mesh shall be taken to be the average of those 2 measurements, each such measurement being the width of the gauge at the point where the gauge is stopped when using the gauge in accordance with article 2(2) and (3) of the said Commission Regulation;”.

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**Commencement Information**

**I7** [Reg. 10](#) in force at 1.1.1993, see [reg. 1\(1\)](#)

**Salmon Fisheries (Scotland) Act 1862**

**11.** The Regulations made under section 6(6) of the Salmon Fisheries (Scotland) Act 1862(1) set out as a Byelaw in Schedule E to the Salmon Fisheries (Scotland) Act 1868(2) are hereby revoked.

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**Commencement Information**

**I8** [Reg. 11](#) in force at 1.1.1993, see [reg. 1\(1\)](#)

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(1) 1862 c. 97.  
(2) 1868 c. 123.

**Changes to legislation:**

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