



Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 2003 asp 15

PART 1

METHODS OF FISHING AND OFFENCES RELATED TO FISHING

Regulation of salmon fisheries

33 Salmon fishing: regulations as to baits and lures

- (1) Without prejudice to section 38(5)(b) of this Act and subject to subsections (2) to (7) below, the Scottish Ministers may make regulations prohibiting the use of specified baits and lures for the purposes of the definition of “rod and line” in section 4(1) of this Act in the case of fishing for salmon.
- (2) The Scottish Ministers may make regulations under subsection (1) above only on an application to them made in accordance with subsection (5) below.
- (3) An application under subsection (2) above may be made by—
 - (a) a district salmon fishery board; or
 - (b) one or more such boards jointly,and any reference in this section to an “applicant” shall be construed accordingly.
- (4) Regulations made in respect of an application under subsection (2) above shall be made only in respect of the district of the applicant.
- (5) An application under subsection (2) above shall be accompanied by the applicant’s written proposals which shall state—
 - (a) the baits and lures the use of which it is proposed should be prohibited;
 - (b) the places to which and the times during which the proposed regulations should apply; and
 - (c) the reasons for the proposals,and the application and proposals mentioned in this subsection may be communicated and stored electronically.

Status: This is the original version (as it was originally enacted).

- (6) Regulations under subsection (1) above shall specify, subject to such exceptions as may be provided therein, all or any, or a combination of, the following—
- (a) baits and lures or classes of baits or lures, the use of which is prohibited;
 - (b) times when the regulations apply;
 - (c) areas to which the regulations apply.
- (7) Paragraphs 10 to 15 of schedule 1 to this Act shall apply to the making of regulations under subsection (1) above as they apply to the making of the orders or regulations mentioned in those paragraphs; and references to an applicant, and to an application, under paragraph 1 of that schedule shall be construed respectively as references to an applicant, and to an application, under subsection (2) above.