



Salmon Act 1986

1986 CHAPTER 62

PART IV

MISCELLANEOUS

39 Review of certain salmon net fishing.

- (1) The Minister of Agriculture, Fisheries and Food and the Secretary of State shall, as soon as practicable after the end of the period of three years beginning with the passing of this Act, prepare a report which, in the context of the need to ensure—
 - (a) that sufficient salmon return to spawn in the rivers wholly or partly situated in the areas and districts specified in subsection (3) below; and
 - (b) that fishing for salmon by means of nets is properly managed in those areas and districts,reviews the nature and extent of all such fishing in those areas and districts.
- (2) A copy of the report prepared under subsection (1) above shall be laid before each House of Parliament.
- (3) The areas and districts referred to in subsection (1) above are the areas of the Yorkshire and Northumbrian water authorities and the salmon fishery districts from the River Forth to the River Ugie, the River Tweed being deemed for the purposes of this section to be included in those areas and districts.

Modifications etc. (not altering text)

- C1** S. 39(3) amended by [Water Act 1989](#) (c. 15, SIF 130), s. 141, **Sch. 17 para. 9(2)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

40 Interpretation.

- (1) In this Act, unless the context otherwise requires—

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for the Salmon Act 1986, Part IV. (See end of Document for details)*

“annual close time order” has the meaning ascribed to it in section 6 (3) of this Act;

“assessor” means the assessor or depute assessor for a valuation area appointed under section 116 of the ^{M1}Local Government (Scotland) Act 1973;

“board” and “district salmon fishery board” mean—

- (a) the committee of an association of proprietors of salmon fisheries within the meaning of section 14 of this Act; or
- (b) a transitional district board within the meaning of section 14(8) of this Act;

“coastal limits” means the limits of seacoast fixed for a district under section 6(3) of the ^{M2}Salmon Fisheries (Scotland) Act 1862;

“designation order” has the meaning ascribed to it in section 1(2) of this Act;

“district” and “salmon fishery district” mean an area described in section 1(1) of this Act or designated as such by a designation order;

“enactment” includes any Act of Parliament, whether public, general, local or private, and any instrument made under any enactment;

“fishery assessment” has the meaning ascribed to it in section 15(2) of this Act;

“fishery” and “salmon fishery” means a salmon fishery in any river or estuary or in the sea;

“inland waters” has the same meaning as in the Salmon and ^{M3}Freshwater Fisheries (Protection) (Scotland) Act 1951;

“proprietor” means, subject to subsection (3) below, any person, partnership, company or corporation which is the proprietor of a salmon fishery or which receives or is entitled to receive the rents of such fishery on its own account or as trustee, guardian or factor for any person, company or corporation;

“river” includes tributaries and any loch from or through which any river flows;

“River Tweed” means “the River” as defined by the Tweed Fisheries Amendment Act 1859, as amended by the byelaw made under section 4 of the Salmon Fisheries (Scotland) Act 1863;

“River Tweed Council” means the council constituted under section 6 of the ^{M4}Tweed Fisheries Act 1969;

“salmon” means all migratory fish of the species *Salmo salar* and *Salmo trutta* and commonly known as salmon and sea trout respectively or any part of any such fish;

“tenant netsman” means a person in possession of a right, under a lease or sub-lease, of fishing for salmon with nets; and

“valuation roll” means a roll made up under section 1 of the ^{M5}Local Government (Scotland) Act 1975.

- (2) In Part I of this Act, “the Salmon Fisheries (Scotland) Acts 1862 to 1868” means—
the ^{M6}Salmon Fisheries (Scotland) Act 1862;
the ^{M7}Salmon Fisheries (Scotland) Act 1864; and
the ^{M8}Salmon Fisheries (Scotland) Act 1868.

- (3) In this Act, “proprietor” includes not more than one person authorised by—

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- (a) in the case of a fishery in which more than one person has *apro indiviso* share, such persons; or
 - (b) in the case of a fishery in which the rights to that fishery are shared by more than one person in any other way, such persons,
- but in neither case does it include, except by virtue of this subsection, a person whose right to that fishery is so shared.

Marginal Citations

- M1** 1973 c. 65.
- M2** 1862 c. 97.
- M3** 1951 c. 26.
- M4** 1969 c. xxiv.
- M5** 1975 c. 30.
- M6** 1862 c. 97.
- M7** 1864 c. 118.
- M8** 1868 c. 123.

41 Amendments and repeals.

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).
- (2) Subject to subsections (3) and (4) below, the enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The repeal specified in Schedule 5 to this Act relating to section 13 of the ^{M9}Salmon Fisheries (Scotland) Act 1868 shall not extend to the River Tweed.
- (4) Notwithstanding the repeal specified in Schedule 5 to this Act relating to the ^{M10}Salmon Fisheries (Scotland) Act 1863, the byelaw made under section 4 of that Act in respect of the limits of the River Tweed shall continue to have effect; and the repeal of that section shall not affect the legality of any mode of fishing for or taking salmon at any place.

Marginal Citations

- M9** 1868 c. 123.
- M10** 1863 c. 50.

42 Crown application.

- (1) Part I of this Act shall apply to land an interest in which belongs to Her Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, but otherwise this Act shall not bind the Crown.
- (2) In this section, “land” includes salmon fisheries.

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43 Citation, commencement and extent.

- (1) This Act, which may be cited as the Salmon Act 1986, shall, with the exception of the provision mentioned in subsection (2) below, come into force on the expiry of the period of two months beginning with the date on which it is passed.
- (2) Section 21 of this Act shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint, and such an order may include such transitional or saving provisions as appear to the Secretary of State to be necessary or expedient in connection with the provision brought into force by the order.
- (3) The provisions of this Act modifying or repealing other enactments except section 38 have respectively the same extent as those other enactments.
- (4) Subject to the application of section 39(1) of the ^{M11}Salmon and Freshwater Fisheries Act 1975 (border rivers) in relation to section 32 of this Act and the enactments amended by sections 33 to 36 of this Act, sections 31 to 38 of this Act extend to England and Wales only.
- (5) Except as this Act otherwise provides, Parts I and II and section 42 of this Act extend to Scotland only.

Subordinate Legislation Made

P1 [S. 43\(2\)](#) power fully exercised (17.8.1992): 1.1.1993 appointed for s. 21 by [S.I. 1992/1973, art. 2.](#)

Marginal Citations

M11 [1975 c. 51.](#)

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