

*These notes refer to the Marine and Coastal Access Act 2009
(c.23) which received Royal Assent on 12th November 2009*

MARINE AND COASTAL ACCESS ACT 2009

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

Part 7: Fisheries

Chapter 3: Migratory and Freshwater Fish

Supplementary

Section 231: Tweed and Esk fisheries

609. Historically, English legislation on salmon and freshwater fisheries has applied to the Scottish as well as the English River Esk and its tributaries. Conversely, Scottish legislation has applied to the English as well as the Scottish Tweed. Section 111 of the Scotland Act 1998 allows this position to be maintained post-devolution by means of an Order in Council. Currently such orders may only relate to salmon, trout, eels and freshwater fish.
610. *Subsection (2)* amends section 111 to extend the scope of the order-making power to eels, lampreys and smelt. Section 111(4) defines “conservation “in relation to salmon, trout, eels and freshwater fish to include the protection of the environment. *Subsection (3)* extends this definition to the protection of the environment of lampreys, smelt and shad. *Subsection (4)* allows the Order in Council to amend section 111(1) to add or remove any species of fish listed and to which the order-making power applies.