
STATUTORY INSTRUMENTS

2006 No. 2913

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
RIVER, SCOTLAND
RIVER, ENGLAND AND WALES**

The Scotland Act 1998 (River Tweed) Order 2006

Made - - - - 14th November 2006

Coming into force 15th November 2006

THE SCOTLAND ACT 1998 (RIVER TWEED) ORDER 2006

PART 1

1. Citation, commencement, application and extent
2. Definition of the Tweed district
3. Definition of Estuary Limits
4. Interpretation
5. The River Tweed Commission
6. Election of Proprietary Commissioners
7. Representative Commissioners
8. Chief Commissioner and Deputy
9. Functions of the Commission
10. Application of the seal

Officers and Employees

11. Officers and employees

Meetings of the Commission

12. Meetings of the Commission
13. Quorum at Commission meetings
14. Votes at Commission meetings
15. Expenses

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Valuation and Finance

16. Valuation
17. Information for valuation
18. Fishery Assessment
19. Enforcement
20. Annual report

Miscellaneous

21. Power to conduct inquiries and to obtain information

PART 2

Methods of fishing

22. Methods of fishing: salmon
23. Methods of fishing: freshwater fish
24. Use of landing net
25. Definition of “rod and line”

Offences related to fishing for salmon and freshwater fish

26. Prohibition against using explosive and other noxious substances for the destruction of fish
27. Fishing for salmon without right or permission
28. Illegal fishing by two or more persons acting together
29. Taking of dead fish
30. Illegal possession of salmon or trout
31. Removal of obstructions
32. Offences in relation to passage of salmon
33. Fishing in waters where fishing rights owned by one person
34. Contravention of protection order

Close times for salmon

35. Weekly close time for salmon
36. Annual close time for salmon
37. Fishing for salmon during annual close time
38. Removal of boats and nets during annual close time
39. Buying and selling salmon in annual close time

Close time for trout

40. Annual close time for trout

Offences relating to sale, purchase and possession of salmon and trout

41. Unclean salmon
42. Salmon roe
43. Possessing salmon which have been illegally taken, killed or landed
44. Packages of salmon or trout to be marked
45. Size limit for trout
46. Young salmon and spawning beds
47. Unauthorised introduction of fish or fish eggs into certain waters

Exemptions

48. Exemption from certain offences of acts done for scientific and other purposes: salmon
49. Exemption from certain offences in respect of acts done for scientific and other purposes: fish other than salmon
50. Exemption from certain offences in respect of certain acts in relation to salmon
51. Exemptions in relation to fish farming

Regulation of fisheries

52. General orders
53. Salmon fishing: orders as to baits and lures

Conservation measures

54. Salmon conservation orders

Procedures

55. Procedure for making certain orders

PART 3

Powers of constables and water bailiffs

56. Grant of warrant to search premises or vehicles
57. Powers of constables
58. Powers of constables and water bailiffs to enter land
59. Powers of water bailiffs

Further provision as to offences

60. Offences by bodies corporate
61. Offences in relation to obstruction

Powers of court

62. Power of court in trial for an offence to convict of another
63. Forfeiture
64. Defences
65. Jurisdiction in respect of offences committed on sea coast or at sea
66. Jurisdiction
67. Disqualification of justices

PART 4

Administration of freshwater fisheries

68. Increased availability of, and protection for, freshwater fishing
69. Appointment of wardens to secure compliance with protection order
70. Powers of entry and obstruction of wardens etc.
71. Financial contributions towards organisations developing freshwater fisheries

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Miscellaneous

- 72. Licensing and regulation of salmon dealing
- 73. Application of Leases Act 1449

PART 5

- 74. Power of Commission to prosecute in England and Wales

PART 6

- 75. Application of this Order to the Crown
- 76. Consequential amendments, repeals, revocations and transitional provisions
- 77. Orders
Signature

SCHEDULE 1 — REPRESENTATIVE COMMISSIONERS

SCHEDULE 2 — ESTUARY LIMITS ORDERS, ANNUAL CLOSE TIME ORDERS
AND SALMON CONSERVATION ORDERS

- 1. *Estuary limits orders*
- 2. An application under paragraph 1 shall be accompanied by the Commission's...
- 3. *Annual close time orders*
- 4. An application under paragraph 3 shall be accompanied by the...
- 5. *Salmon conservation orders*
- 6. An application under paragraph 5(a) shall be in writing and shall...
- 7. In the application of paragraphs 8 to 13 to a salmon conservation order...
- 8. *Common provisions with respect to orders*
- 9. (1) Before making an order, the Scottish Ministers shall direct...
- 10. At any time, the Scottish Ministers may alter the proposals...
- 11. *Making of annual close time, estuary limits or salmon conservation order*
- 12. (1) If any representation or objection duly made is not...
- 13. After considering the report of the person appointed to hold...
- 14. Applications under this Schedule may be communicated and stored electronically....

SCHEDULE 3 — PROVISIONS AS TO MAKING, VARIATION AND
REVOCATION OF PROTECTION ORDERS

- 1. *Making of protection order*
- 2. The notice to be given under paragraph 1 shall be given...
- 3. The Scottish Ministers may direct that, in addition to publication...
- 4. If no representations or objections are duly made, or if...
- 5. (1) If any representation or objection duly made is not...
- 6. After considering the report of the person appointed to hold...
- 7. As soon as may be after a protection order has...
- 8. *Variation of protection order*
- 9. *Revocation of protection order*
- 10. *Publication of orders*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 4 — CONSEQUENTIAL AMENDMENTS, REPEALS AND REVOCATIONS

PART 1 — CONSEQUENTIAL AMENDMENTS

1. *Sea Fish (Conservation) Act 1967 (c.84)*
2. *Salmon and Freshwater Fisheries Act 1975 (c.51)*
3. *Inshore Fishing (Scotland) Act 1984 (c.26)*
4. *Scotland Act 1998 (c.46)*

PART 2 — REPEALS AND REVOCATIONS

Explanatory Note