

2012 No. 6

RIVER

SALMON AND FRESHWATER FISHERIES

The Conservation of Salmon (River Annan Salmon Fishery District) (Scotland) Regulations 2012

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| <i>Made</i> - - - - | <i>12th January 2012</i> |
| <i>Laid before the Scottish Parliament</i> | <i>16th January 2012</i> |
| <i>Coming into force</i> - - | <i>25th February 2012</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 38(1), (5) and (6)(b) and (c) of, and paragraphs 7(a)(i) and 14(1) of schedule 1 to, the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003^(a) and all other powers enabling them to do so.

In accordance with paragraphs 10, 11, 12 and 14(1) of schedule 1 to that Act, they have consulted such persons as they considered appropriate, directed that notice be given of the general effect of these Regulations and considered objections made.

Citation, commencement, application and cessation

1. These Regulations—

- (a) may be cited as the Conservation of Salmon (River Annan Salmon Fishery District) (Scotland) Regulations 2012 and come into force on 25th February 2012;
- (b) apply throughout the River Annan Salmon Fishery District^(b); and
- (c) cease to have effect at 23:59 hours on 24th February 2017.

(a) 2003 asp 15 (“the 2003 Act”).

(b) For the purposes of section 34(1) of the 2003 Act (which determines the extent of salmon fishery districts for the purposes of the 2003 Act), the coastal limits of the River Annan district are described in a Byelaw dated 24th December 1862 and 30th January 1863 and which came into effect on 10th February 1863. The Byelaw is provided for under Schedule A to the Salmon Fisheries (Scotland) Act 1868 (c.123), as introduced by section 10 of that Act. An illustrative map showing the extent of the River Annan salmon fishery district is appended to the Explanatory Note to these Regulations.

Prohibition against retention of salmon

2.—(1) No person may retain any salmon caught by rod and line.

(2) In this regulation—

“retain” means failing to return a fish at once to the river or other water from which it came and with the least possible injury; and

“salmon” means fish of the species *Salmo salar* (commonly known as salmon) or any part of any such fish and excludes migratory fish of the species *Salmo trutta* (commonly known as sea trout) or any part of any such fish.

Specification of prohibited baits

3.—(1) It is prohibited to use organic bait to fish for salmon for the purposes of the definition of “rod and line” in section 4 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003.

(2) In this regulation, “organic bait” means bait made up in whole or in part, of worms, shrimps or prawns.

Restriction on fishing

4. No person may fish for salmon with a hook other than a single set of hooks without barbs.

Periods during which prohibitions apply

5. The prohibitions in regulations 2(1), 3(1) and 4 apply during the period 25th February to 31st May, both dates inclusive, in each year.

St Andrew’s House,
Edinburgh
12th January 2012

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

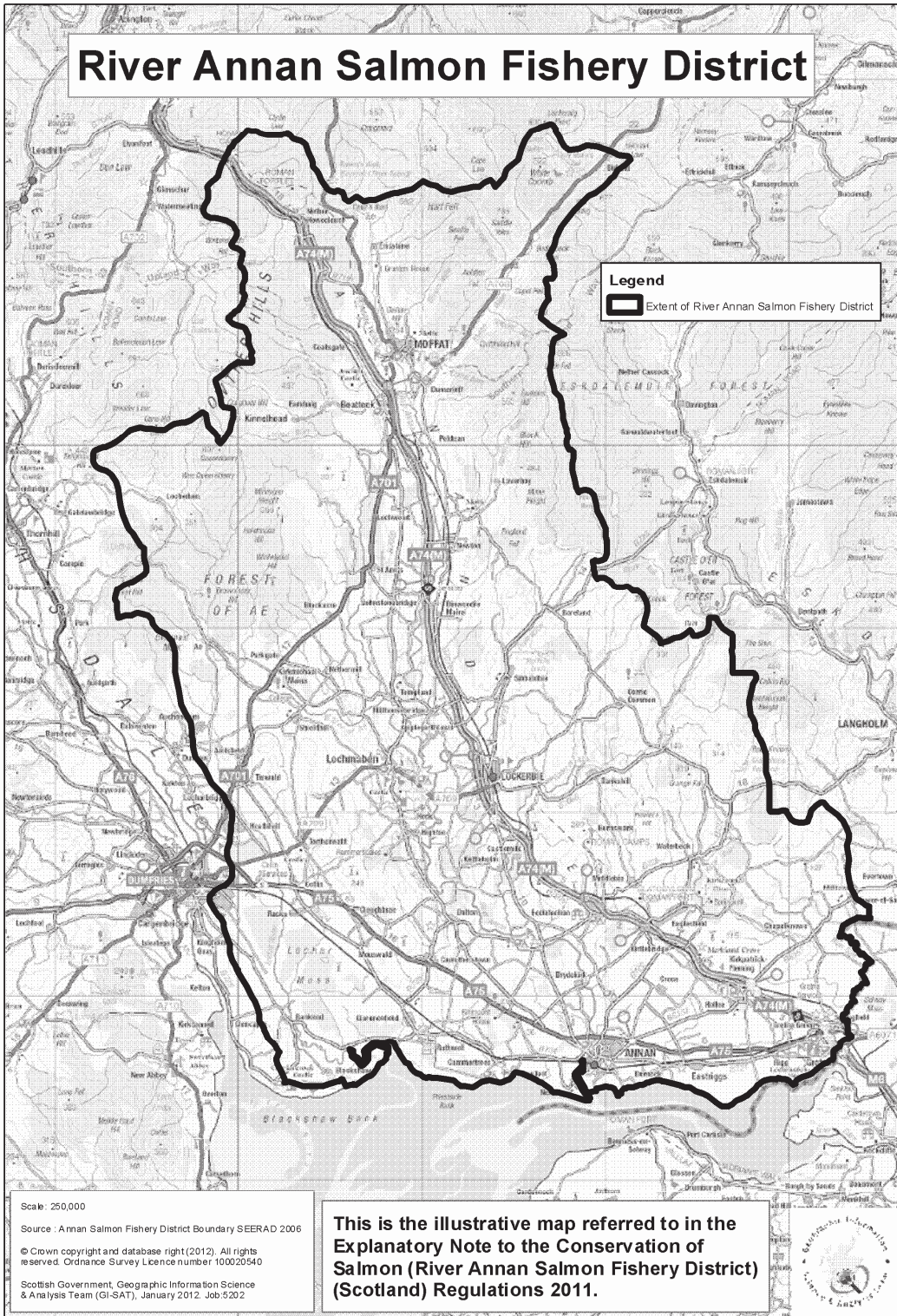
These Regulations make provision for the conservation of *Salmo salar* (commonly known as salmon) and *Salmo trutta* (commonly known as sea trout) in the River Annan salmon fishery district. The Regulations cease to have effect at 23:59 hours on 24th February 2017 (regulation 1(c)). A map illustrating the extent of the district is appended to this Note for information purposes only.

Regulation 2(1) prohibits the retention of salmon caught by rod and line with the effect that any salmon caught by such means will require to be immediately released to the river or water from which it came. Regulation 3(1) prohibits the use of organic bait to fish for salmon and sea trout for the purposes of the definition of “rod and line” in section 4 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (“the 2003 Act”). The effect of this is to prohibit the use of worms, prawns and shrimps as baits when fishing by rod and line for salmon and sea trout.

Regulation 4 prohibits fishing for salmon and sea trout with a hook, other than with a single set of hooks without barbs. The prohibitions in regulations 2(1), 3(1) and 4 have effect during the period 25th February to 31st May in each year in which these Regulations have effect (regulation 5).

In terms of section 38(7) of the 2003 Act, it is an offence to contravene the prohibition in regulation 2(1), 3(1) and 4 of these Regulations. Anyone guilty of the offence is liable on summary conviction to a fine of up to level 4 on the standard scale (£2,500 as at the date these Regulations come into force).

A Business Regulatory Impact Assessment in relation to these Regulations has been prepared and placed in the Scottish Parliament Information Centre. Copies of it can be obtained from Marine Scotland, Victoria Quay, Leith, Edinburgh, EH6 6QQ, and online at www.legislation.gov.uk.



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