SCOTTISH STATUTORY INSTRUMENTS

2005 No. 24

RIVER

SALMON AND FRESHWATER FISHERIES

The Conservation of Salmon (Esk Salmon Fishery District) Regulations 2005

Made - - - -	*20th January 2005*
Laid before the Scottish Parliament - - - -	*21st January 2005*
Coming into force - -	*16th February 2005*

The Scottish Ministers, on application to them by the Esk District Salmon Fishery Board, having had regard to representations made to them by those persons mentioned in section 10A(5) of the Salmon Act 1986(**1**) and having consulted and directed that notice be given in accordance with section 10D(4) of, and Schedule 1 to, that Act, and having considered representations and objections made, in exercise of the powers conferred by section 10A(3)(a) of that Act and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Conservation of Salmon (Esk Salmon Fishery District) Regulations 2005 and shall come into force on 16th February 2005.

(2) These Regulations shall cease to have effect at midnight on 15th February 2010.

Restriction on fishing

2.—(1) No person shall fish with a hook other than a single or double hook without barbs.

(2) This regulation applies to the Esk salmon fishery district(**2**) between 16th February and 31st May, both dates inclusive, in each year.

Prohibition against retention of salmon

3.—(1) No person shall retain any salmon caught by rod and line.

(**1**) 1986 c. 62. Sections 10A and 10D were inserted by the Salmon Conservation (Scotland) Act 2001 (asp 3).
(**2**) The limits of the district are set out in the Schedule to the Esk Salmon Fishery District Designation Order 1988 (S.I.1988/994 (S.96)).

(2) This regulation applies to the Esk salmon fishery district between 16th February and 31st May, both dates inclusive, in each year.

(3) In this regulation–

"retain" means not to return a fish at once to the river or other water from which it came with the least possible injury;

"rod and line" means single rod and line with such bait or lure as is lawful.

Restriction on use of net and coble in the River North Esk

4.—(1) No person shall fish for or take salmon by net and coble in the River North Esk except in the Kinnaber fishery.

(2) No more than one net and coble may be used to fish for or take salmon in the Kinnaber fishery on any day.

(3) This regulation applies between 1st and 31st May, both dates inclusive, in each year.

(4) For the purposes of this regulation fishing for or taking salmon by net and coble has the same meaning as in section 2 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951(**3**) and references to "net and coble" shall be construed accordingly.

(5) In this regulation–

"the Kinnaber fishery" means that part of the River North Esk downstream of a straight line connecting a point at Ordnance Survey Grid Reference NO 728622 and a point at Ordnance Survey Grid Reference NO 728624.

Restriction on use of traps

5.—(1) The maximum number of fish traps which may be placed or used at any one time within the fisheries specified in column 1 of the Schedule to these Regulations shall be the number specified in column 2 of that Schedule opposite the fishery concerned.

(2) This regulation applies between 1st and 31st May, both dates inclusive, in each year.

(3) For the purposes of this regulation a double bag net shall be counted as two fish traps.

(4) In this regulation–

"double bag net" means a fish trap consisting of two or more fish courts;

"fish trap" means a trap used for the taking of salmon.

St Andrew's House, Edinburgh
20th January 2005

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

(**3**) 1951 c. 26. Fishing for and taking salmon is defined for the purposes of section 2 by the Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992 (S.I. 1992/1974 (S.201)) article 2, as amended by the Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Amendment Regulations 1993 (S.I. 1993/257 (S.20)).