2002 No. 138

RIVER

SALMON AND FRESHWATER FISHERIES

The Mull Salmon Fishery District Designation (Scotland) Order 2002

Made	*14th March 2002*
Coming into force	*20th March 2002*

The Scottish Ministers, on application to them by proprietors in the Baa and Pennygown Salmon Fishery Districts being areas affected by the following Order, having carried out all necessary consultation and complied with all necessary procedures as required by paragraphs 3 and 4 of Schedule 1 to the Salmon Act 1986(**a**) (there being no objections or representations duly made with respect to the proposals in the application), in exercise of the powers conferred by section 1(2) and section 2 of that Act and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Mull Salmon Fishery District Designation (Scotland) Order 2002 and shall come into force on 20th March 2002.

Designation of the Mull Salmon Fishery District

2.—(1) The area described in Schedule 1 to this Order is designated as a salmon fishery district to be known as the Mull Salmon Fishery District.

(2) The existing fishery districts of Baa, Lussa and Pennygown being superseded by the fishery district designated by this Order are abolished.

Application of Regulations

3. The regulations specified in Schedule 2 to this Order shall apply to the district designated by article 2 above.

(a) 1986 c.62. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

Annual close time

4. The annual close time for the Mull Salmon Fishery District shall be the period from 27th August to 10th February both dates inclusive in each year and the period within that time when it is permitted to fish for and take salmon by rod and line shall extend from 27th August to 31st October, both dates inclusive in each year.

PAUL BRADY
A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
14th March 2002

Article 2

SCHEDULE 1

Description of the designated area

The area comprising the catchment areas of each river which flows directly or indirectly into the sea from the Islands of Mull, Coll, Tiree and the other islands to the west of the coast between Ardmore Point and Fidden Point and all adjacent islets to these islands and the adjacent area of sea extending seawards for 3 miles from the mean low water springs on each island or islet:

Provided that where the breadth of the sea between the line of the mean high water springs on any of the said islands or adjacent islets and the line of the mean high water springs on the coastline of another salmon fishery district is less than 6 miles, then the boundary between the salmon fishery districts shall be midway between the respective lines of the mean low water springs.

Article 3

SCHEDULE 2

Regulations applied to the district designated by this Order in accordance with section 2(2) of the Salmon Act 1986

Regulations made under section 3 of the Salmon Act 1986

1. The Salmon (Weekly Close Time) (Scotland) Regulations 1988(**a**).

2. The Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992(**b**).

3. The Salmon (Fish Passes and Screens) (Scotland) Regulations 1994(**c**).

Regulations made under the Salmon Fisheries (Scotland) Acts 1862 to 1868 as respects the matters specified in section 6(6) of the Salmon Fisheries (Scotland) Act 1862

4. Byelaw made by the Commissioners appointed under the Salmon Fisheries (Scotland) Acts 1862 to 1868 dated 11th January and 19th April 1864 with respect to the due observance of the weekly close time(**d**).

5. Byelaw made by the said Commissioners dated 18th April and 19th July 1865 with respect to the construction and use of cruives(**e**).

(a) S.I. 1988/390.

(b) S.I. 1992/1974 as amended by S.I. 1993/257 and 1994/111. Part II only of S.I. 1992/1974 was made under section 3 of the 1986 Act.

(c) S.I. 1994/2524.

(d) Byelaw subsequently enacted as Schedule D to the Salmon Fisheries (Scotland) Act 1868 (c.123) by section 10 of that Act. Schedule D was repealed by the Salmon Act 1986, section 41 and Schedule 5. Byelaw retained in effect by section 3(1) of the 1986 Act.

(e) Byelaw subsequently enacted as Schedule F to the Salmon Fisheries (Scotland) Act 1868 by section 10 of that Act. Schedule F was repealed by the Salmon Act 1986, section 41 and Schedule 5. Byelaw retained in effect by section 3(1) of the 1986 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order creates a new salmon fishery district to be known as the Mull Salmon Fishery District and comprises the salmon fishery districts of Baa, Lussa and Pennygown which included the Islands of Mull, Coll, Tiree and the other islands to the west of the coast between Ardmore Point and Fidden Point. The salmon fishery districts of Baa, Lussa and Pennygown are abolished.

Article 3 provides for the retention of Regulations relating to matters specified in section 6(6) of the Salmon Fishery (Scotland) Act 1862 (for example due observance of the weekly close time and the meshes of nets) which applied in the superseded districts. These Regulations will apply in the new salmon fishery district.

Article 4 provides that the annual close time for the new district is from 27th August to 10th February in each year and that the period in each year within that close time when rod and line fishing only is permitted is 27th August to 31st October.

SCOTTISH STATUTORY INSTRUMENTS

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The Mull Salmon Fishery District Designation (Scotland) Order 2002

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