



Scottish Law Commission

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ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION

NOT FOR PUBLICATION OR BROADCAST

BEFORE 0001 HOURS THURSDAY 10 OCTOBER 2002

**REPORT ON THE CONSOLIDATION OF CERTAIN ENACTMENTS RELATING TO
SALMON AND FRESHWATER FISHERIES IN SCOTLAND
(SCOT LAW COM NO 188)**

Today the Commission publishes its Report on the Consolidation of certain Enactments relating to Salmon and Freshwater Fisheries in Scotland.

Background

Consolidation is an important part of the process of law reform and the Commission undertakes this work as part of its statutory functions.

The bringing together of a number of Acts relating to a particular subject into a single statute often calls for some changes to be made to the existing provisions, in order to make for a coherent consolidation. Also, provisions in the earlier Acts may have been expressed in outdated language or there may be technical matters which need to be updated. The Commission's role is to recommend amendments to the legislation so that the resulting consolidation is clear and so that subsequent amendments to the law can be made from a satisfactory legislative base.

Consultation

As part of its work on consolidation projects, the Commission consults with interested bodies and individuals on its proposed recommendations. The Commission's Draft Recommendations relating to this consolidation were issued on 30 April 2001. The consultation period ended on 29 June 2001. Following consultation the Bill, which is the subject of the Report, and the recommendations were revised to take account of the comments received. In October last year the Bill was submitted to the European Commission under the Technical Standards Directive (98/43/EC) since certain provisions require to be notified to the European Commission if their enactment would not be pure consolidation. Since the expiry of the period allowed for consideration of the Bill by the European Commission, final amendments have been made to the Report and Bill in order to produce a satisfactory consolidation.

The Report

This is the first consolidation report published by the Commission since devolution. The legislation relating to salmon and freshwater fisheries in Scotland is complex and much of it dates back to Victorian times.

The Bill consolidates the main legislation relating to this area of law, while retaining the basic structure of the legislation. The Report makes a number of recommendations for changes to the existing legislation so as to make the consolidation workable and up to date. For example, minor changes are recommended to allow for electronic communication of certain documents so as to reflect the increasing use of e-mail as a means of communication and Imperial measurements are replaced by metric measurements. The Report also recommends the repeal of certain provisions which have become obsolete and which therefore do not require to be consolidated.

NOTES TO EDITORS

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman is the Honourable Lord Eassie. The other Commissioners are currently Mr Patrick S Hodge QC, Professor Gerard Maher, Professor Kenneth G C Reid and Professor Joseph M Thomson.

2. Further information can be obtained by contacting Susan Sutherland, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131, Fax: 0131 662 4900, e-mail: info@scotlawcom.gov.uk.)
3. The paper may be viewed on our website at www.scotlawcom.gov.uk or purchased from TSO Scotland Bookshop.