

Instrument Responses

Conservation of Salmon (Scotland) Amendment Regulations 2025 (SSI 2025/390)

On 11 December 2025 the Committee asked the Scottish Government:

1. Paragraph 1 of the preamble sets out that the Scottish Ministers make these Regulations in exercise of the powers conferred by “sections 38(1), 6(b) and (c)...”. Could you confirm that reference to “6(b)” should be a reference to paragraph (6)(b) of section 38, as opposed to a section 6(b)?
2. Please confirm whether any corrective action is proposed, and if so, what action and when.

On 16 December 2025 the Scottish Government responded:

We can confirm there is a typing error and the reference to “6(b)” should be to paragraph “(6)(b)” of section 38. We thank the Committee for drawing this to our attention.

The Government considers that the reference to “6(b)” would only likely be interpreted in the manner intended for the following reasons -

- section 6 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 does not confer any power to make subordinate legislation;
- there is no paragraph (b) of section 6 or in any of the subsections of section 6; and
- read within the wider context of the sentence, it appears obvious that it should be a reference to (6)(b) of section 38 of the 2003 Act.

We would add that the preamble also states that Scottish Ministers make the Regulations in exercise of “all other powers enabling them to do so” and if necessary we would seek to rely on those words.

We are liaising with the SI Registrars as to whether this typing error can be addressed via correction slip, in which case we propose to do so as soon as possible. If not, the Government's position as noted is that the reference to “6(b)” is a typing error and that as we consider there is no real chance of confusion we would not propose to take further action in that event.