



Scotland Act 1998

1998 CHAPTER 46

PART V

MISCELLANEOUS AND GENERAL

Supplementary powers

111 Regulation of Tweed and Esk fisheries.

- (1) Her Majesty may by Order in Council make provision for or in connection with the conservation, management and exploitation of salmon, trout, eels and freshwater fish in the Border rivers.
- (2) An Order under subsection (1) may—
 - (a) exclude the application of section 53 in relation to any Border rivers function,
 - (b) confer power to make subordinate legislation.
- (3) In particular, provision may be made by such an Order—
 - (a) conferring any function on a Minister of the Crown, the Scottish Ministers or a public body in relation to the Border rivers,
 - (b) for any Border rivers function exercisable by any person to be exercisable instead by a person (or another person) mentioned in paragraph (a),
 - (c) for any Border rivers function exercisable by any person to be exercisable concurrently or jointly with, or with the agreement of or after consultation with, a person (or another person) mentioned in paragraph (a).
- (4) In this section—
 - “the Border rivers” means the Rivers Tweed and Esk,
 - “Border rivers function” means a function conferred by any enactment, so far as exercisable in relation to the Border rivers,
 - “conservation”, in relation to salmon, trout, eels and freshwater fish, includes the protection of their environment,

Status: Point in time view as at 12/11/2009. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 111. (See end of Document for details)

“eels”, “freshwater fish”, “salmon” and “trout” have the same meanings as in the ^{M1}Salmon and Freshwater Fisheries Act 1975,

“the River Tweed” [^{F1}means the Tweed district (as defined in article 2(1) of the Scotland Act 1998 (River Tweed) Order 2006 (S.I. 2006/2913)).]

“the River Esk” means the river of that name which, for part of its length, constitutes the border between England and Scotland including—

- (a) its tributary streams (which for this purpose include the River Sark and its tributary streams), and
- (b) such waters on the landward side of its estuary limits as are determined by an Order under subsection (1),

together with its banks;

and references to the Border rivers include any part of the Border rivers.

- (5) An Order under subsection (1) may modify the definitions in subsection (4) of the River Tweed and the River Esk.

[^{F2}(6) An Order under subsection (1) may amend that subsection so as to—

- (a) add any description of fish to it, or
- (b) remove any description of fish from it.]

Textual Amendments

- F1** S. 111(4): words in definition of “the River Tweed” substituted (15.11.2006) by [The Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), arts. 1(2), **76**, **Sch. 4 para. 4**
 - F2** S. 111(6) inserted (12.11.2009 for certain purposes and 12.1.2010 otherwise) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 231(5)**, 324(1)(c); S.I. 2009/3345, **art. 2**, Sch. para. 14
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Marginal Citations

- M1** 1975 c. 51.

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