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STATUTORY INSTRUMENTS

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**1999 No. 1746**

**The Scotland Act 1998 (Border Rivers) Order 1999**

**PART II**

**RIVER ESK**

**Modifications of the Water Resources Act 1991**

4.—(1) Sections 115 (fisheries orders), 116 (power to give effect to international obligations), 142 (fisheries contributions) and 211(3) (so far as relating to byelaws made by virtue of paragraph 6 of Schedule 25) and (6) (enforcement of byelaws) of, and paragraph 6 (byelaws for the purposes of fisheries functions) of Schedule 25 to the 1991 Act shall cease to have effect in relation to the Upper Esk.

(2) The Environment Agency shall have power, in relation to the Upper Esk to make byelaws generally for, or in connection with, the conservation, management or exploitation of salmon, trout, eels and freshwater fish.

(3) Schedule 26 to the 1991 Act shall apply to the making of any byelaw by the Environment Agency under this article as it would apply to the making of any byelaw under paragraph 6 of Schedule 25 to the 1991 Act subject to the following modifications—

- (i) subject to the following provisions of this sub-paragraph, any reference to “the relevant Minister” wherever occurring shall mean “the Minister and the Scottish Ministers acting jointly”;
- (ii) in paragraph 1(2)(a), for “the London Gazette” there is substituted “the Edinburgh and London Gazettes”;
- (iii) in paragraph 2(1), for “him” there is substituted “them”;
- (iv) in paragraph 5, for “he” there is substituted “they”; and
- (v) paragraph 7 shall cease to have effect.