

---

STATUTORY INSTRUMENTS

---

**1999 No. 1746**

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

**PART II**

**RIVER ESK**

**Enforcement**

8.—(1) The powers of water bailiffs, of any person appointed by the Minister and of a constable under sections 31(1), 32 to 34, and 36 of the 1975 Act shall apply to any offence under article 7 above as they apply to an offence under that Act.

(2) The powers of water bailiffs and constables under sections 10 to 12 of the 1951 Act shall apply to any offence under article 7 above as they apply to an offence under that Act.

(3) Any person referred to in paragraphs (1) and (2) above may exercise his powers in any part of the River Esk.

(4) A water bailiff who reasonably suspects that a person is, intends to, or has been, fishing in the River Esk may require that person—

- (a) to produce his licence or other authority to fish; and
- (b) to state his name and address.

(5) Any person who fails to comply with such a requirement or provides false information in response to it shall be guilty of an offence; but any person who complies with paragraph (4)(a) above within 7 days of being so required shall not be convicted of an offence under this paragraph.

(6) Any person who resists or otherwise obstructs a water bailiff in the exercise of any power referred to in paragraphs (1) or (2) above shall be guilty of an offence.

(7) Any person guilty of an offence under paragraph (5) and (6) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(8) Article 7(4) above applies to an offence under this article as it does to an offence under article 7.

(9) Section 10(6) of the 1951 Act and sections 31(2) and 35 of the 1975 Act shall cease to have effect in relation to the River Esk.