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STATUTORY INSTRUMENTS

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**1988 No. 994 (S.96)**

**RIVER, SCOTLAND**

**SALMON AND FRESHWATER FISHERIES**

**The Esk Salmon Fishery District Designation Order 1988**

*Made* - - - - *2nd June 1988*

*Coming into force* - - *11th July 1988*

The Secretary of State, on application to him by the Bervie District Salmon Fishery Board, the North Esk District Salmon Fishery Board and the South Esk District Salmon Fishery Board, having carried out all necessary consultation and publication and considered all representations and objections as required by paragraphs 3, 4 and 7 of Schedule 1 to the Salmon Act 1986<sup>(1)</sup>, in exercise of the powers conferred on him by sections 1(2) and 2 of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:

**Title and commencement**

1. This Order may be cited as the Esk Salmon Fishery District Designation Order 1988 and shall come into force on 11th July 1988.

**Designation of Esk Salmon Fishery District**

2.—(1) The area described in the Schedule to this Order is designated as a salmon fishery district to be known as the Esk Salmon Fishery District.

(2) The existing salmon fishery districts of the River Bervie, the River North Esk and the River South Esk, being salmon fishery districts superseded by the Esk Salmon Fishery District, are abolished.

**Application of regulations**

3. The general regulations made under the Salmon Fisheries (Scotland) Acts 1862-1868<sup>(2)</sup> as respects the matters specified in section 6(6) of the Salmon Fisheries (Scotland) Act 1862 shall have effect in relation to the Esk Salmon Fishery District as they had effect, immediately before the coming into force of this Order, in the districts abolished by article 2(2) of this Order.

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(1) 1986 c. 62

(2) 1862 c. 97, 1863 c. 50, 1864 c. 118, 1868 c. 123; by virtue of Schedule 5 to the Salmon Act 1986 (c. 62), these Acts have been wholly repealed with the exception of certain provisions in the 1868 Act.

### **Annual close time**

4.—(1) The annual close time for the part of the district north of a point on the coast at O.S. Grid Reference NO 825705, including the catchment area of each river flowing directly or indirectly into the sea within the district north of that point and the sea area within the district north of that point, shall commence on 10th September and terminate on 24th February in each year, and the period within that time when it is permitted to fish for and take salmon by rod and line shall extend from 10th September to 31st October in each year.

(2) The annual close time for the part of the district south of a point on the coast at O.S. Grid Reference NO 825705, including the catchment area of each river flowing directly or indirectly into the sea within the district south of that point and the sea area within the district south of that point, shall commence on 1st September and shall terminate on 15th February in each year, and the period within that time when it is permitted to fish for and take salmon by rod and line shall extend from 1st September to 31st October in each year.

St Andrew's House,  
Edinburgh  
2nd June 1988

*I M Whitelaw*  
Assistant Secretary, Scottish Office

## SCHEDULE

Article 2

### DESCRIPTION OF THE DESIGNATED AREA

The area of which the coastal limits are a point on the coast at the boundary between the parishes of Dunottar and Kineff (Ordnance Survey Grid Reference NO 880796) and a point on the coast at Red Head (Ordnance Survey Grid Reference NO 702473) and which extends seaward for three miles from mean low water springs and landward to include the catchment area of each river which flows directly or indirectly into the sea within the coastal limits aforementioned.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order creates a new salmon fishery district by amalgamating the former districts of the River Bervie, the River North Esk and the River South Esk which are abolished. Regulation 3 provides for the retention of regulations relating to the due observance of the weekly close time and to the meshes of nets (matters specified in section 6(6) of the Salmon Fisheries (Scotland) Act 1862) which applied in the superseded districts. These will apply in the same way in the new district. The Order makes different provision for the annual close times and periods when rod and line angling only is permitted in (a) the former district of the River Bervie, and (b) the former districts of the River North Esk and the River South Esk.