



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 [^{F1}salmon, trout, eels, lampreys, smelt, shad 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 [^{F2}salmon, trout, eels, lampreys, smelt, shad and freshwater fish,] includes the protection of their environment,

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

“eels”, [^{F3}“fish”,] “freshwater fish”, “salmon” [^{F4}, “smelt”] and “trout” have the same meanings as in the ^{M1}Salmon and Freshwater Fisheries Act 1975 [^{F5}(as amended by the Marine and Coastal Access Act 2009)],

“the River Tweed” [^{F6}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.

[^{F7}(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 Words in s. 111(1) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 231\(2\), 324\(3\); S.I. 2009/3345, art. 2, Sch. para. 14](#)

F2 Words in s. 111(4) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 231\(3\), 324\(3\); S.I. 2009/3345, art. 2, Sch. para. 14](#)

F3 Word in s. 111(4) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 231\(4\)\(a\), 324\(3\); S.I. 2009/3345, art. 2, Sch. para. 14](#)

F4 Word in s. 111(4) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 231\(4\)\(b\), 324\(3\); S.I. 2009/3345, art. 2, Sch. para. 14](#)

F5 Words in s. 111(4) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 231\(4\)\(c\), 324\(3\); S.I. 2009/3345, art. 2, Sch. para. 14](#)

F6 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](#)

F7 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](#)

Marginal Citations

M1 1975 c. 51.

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 111.