
STATUTORY INSTRUMENTS

1999 No. 1746

The Scotland Act 1998 (Border Rivers) Order 1999

PART II

RIVER ESK

Modifications of the Environment Act 1995

5.—(1) In its application to any Border rivers function relating to the conservation, management or exploitation of salmon, trout, eels and freshwater fish exercisable in relation to the Upper Esk, section 38 of the 1995 Act shall be modified—

- (a) in subsection (1), to provide that any agreement under that section only be entered into with the agreement of the Scottish Ministers; and
- (b) in subsection (2), to provide that a function of the Scottish Ministers be capable of being the subject of such an agreement but only with the agreement of the Minister.

(2) In its application to any Border rivers function relating to the conservation, management or exploitation of salmon, trout, eels and freshwater fish exercisable in relation to the Upper Esk, section 40 of the 1995 Act shall be modified—

- (a) by substituting for the references to “appropriate Minister” references to “Scottish Ministers and the Minister acting jointly”; and
- (b) by substituting for section 40(3)(b)—

“(b) notices shall be given in the Edinburgh and London Gazettes of the giving of the direction and of where a copy of that direction may be obtained”.

(3) Section 6(8) of the 1995 Act shall be modified by inserting before the definition of “the River Tweed” the following—

““the River Esk” means that River as defined by section 111(4) of the Scotland Act 1998 or as such definition as may be modified by an order under section 111(1) of that Act;”