
STATUTORY INSTRUMENTS

1999 No. 1746

The Scotland Act 1998 (Border Rivers) Order 1999

PART III

RIVER TWEED

11.—(1) The Scottish Ministers may, with the agreement of the Minister, make regulations or orders, as the case may be, under the provisions set out in paragraph (2) below, which apply to so much of the River Tweed as is situated outside Scotland.

(2) The provisions are—

section 2(2A) of the 1951 Act (definition of net and coble etc.)

section 3 of the 1986 Act (observance of weekly close times etc.)

section 6 of the 1986 Act (annual close time)

section 8 of the 1986 Act (definition of “rod and line”).

(3) In their application to so much of the River Tweed as is situated outside Scotland, any application for an order under sections 6 or 8 of the 1986 Act shall be made to the Scottish Ministers.

(4) In their application to so much of the River Tweed as is situated outside Scotland, sections 27 and 28 of the 1986 Act shall be modified by substituting for references to “Secretary of State” references to “Scottish Ministers”.

(5) Before exempting under section 27 or giving any permission under section 28 of the 1986 Act in relation to any act or omission taking place in so much of the River Tweed as is situated outside Scotland, the Scottish Ministers shall consult the Minister.

12.—(1) In their application to so much of the River Tweed as is situated outside Scotland—

section 6 (taking of dead salmon or trout),

section 10(5) (powers of water bailiffs),

section 11(1) and (5) (powers of search),

section 12(2) (apprehension of offenders), and

section 15(1) (power to conduct inquiries and to obtain information),

of the 1951 Act shall be modified by substituting for the references to “Secretary of State” references to “Scottish Ministers”.

(2) In its application to so much of the River Tweed as is situated outside Scotland, section 7(2) of the 1976 Act (consent to contraventions of section 4(b) or (c) of the 1951 Act) shall be modified by substituting for the reference to “Secretary of State”, a reference to “Scottish Ministers”.

(3) Before giving consent under section 7(2) of the 1976 Act, the Scottish Ministers shall consult the Minister.