

**Environment Agency**  
**Water Resources Act 1991**  
**Environment Act 1995**

**Salmon and Freshwater Fisheries Act 1975**  
**Scotland Act 1998 (Border Rivers) Order 1999**

**BORDER ESK TIME LIMITED ROD AND LINE BYELAWS**

**THE ENVIRONMENT AGENCY**, in exercise of its powers under Section 210 of, and paragraph 6(1)(b) of Schedule 25 to, the Water Resources Act 1991, and Article 4(2) of the Scotland Act 1998 (Border Rivers) Order 1999 and all other powers enabling it in that behalf, makes the following Byelaws.

**Byelaw 1      Application and Exemptions**

- (i) These Byelaws apply to the Upper Esk ("Upper Esk" as defined in section 1(2) of the Scotland Act (Border Rivers) Order 1999), the area more commonly known as the river Border Esk together with all its tributaries upstream of and including the River Sark.
- (ii) These Byelaws shall expire 10 years after the date they come into force.
- (iii) These Byelaws shall not apply to any employee of the Environment Agency acting in their official capacity or to any person who, with the permission in writing of the Environment Agency and acting in accordance with any conditions attached to that permission, carries out work connected with the maintenance, improvement or development of fisheries or for scientific purposes.
- (iv) Except as provided, or where the context otherwise requires, all words and expressions used in these Byelaws shall have the meaning assigned to them by the Salmon and Freshwater Fisheries Act 1975, the Water Resources Act 1991 and Environment Act 1995.

**Byelaw 2      Return of all rod caught salmon**

On the Border Esk, and on all waters which are tributaries to, or connected with, the Border Esk, during the period from, and including, the 16 June to, and including, the 31 October following, no person fishing by rod and line is permitted to remove any live or dead salmon. Any salmon caught within this fishery must be returned to the water with the least possible injury.

**Byelaw 3      Maximum number of migratory trout that may be caught by rod and line and killed**

- (i) On the Border Esk, and on all waters which are tributaries to, or connected with, the Border Esk, during the period from, and including, the 1 April to, and including, the 30 September following, no person fishing by rod and line is permitted to catch and kill more than four migratory trout.



- (ii) Any person who has caught and killed four migratory trout in the circumstances set out in Byelaw 3(i) may continue to fish for migratory trout provided that any further migratory trout caught are released immediately, to the water in which it was caught, with the least possible injury.

**Byelaw 4 Catch and release for female migratory trout in the Border Esk**

On the Border Esk and all waters which are tributaries to, or connected with, the Border Esk, from and including the 10 September to and including the 30 September following, no person shall retain any female migratory trout.

In this byelaw to "retain" means to catch a fish and not return it immediately to the water in which it was caught with the least possible injury.

**Revocation**

The Environment Agency Border Esk Time Limited Byelaws 2007 are hereby revoked.

**IN WITNESS WHEREOF THE COMMON SEAL OF THE ENVIRONMENT AGENCY**

Was hereunto affixed on the 15<sup>th</sup> day of December 2017 in the presence of:-

PETER KELLET  
DIRECTOR OF LEGAL  
SERVICES  
AN AUTHORISED SIGNATORY

