

SCHEDULE 3 MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 6

MODIFICATIONS OF REFERENCES TO “ENACTMENT” ETC.

Environment Act 1995

- 43 (1) The Environment Act 1995 is amended as follows.
- (2) In section 27 (power of SEPA to obtain information about land), after subsection (3) add—
- “(4) In subsection (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (3) In section 30 (records held by SEPA), after subsection (3) add—
- “(4) In subsection (3) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (4) In section 37 (incidental general functions), after subsection (8) insert—
- “(8A) In subsection (8) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (5) In section 38 (delegation of functions by Ministers etc. to new Agencies), in subsection (10) after the definition of “eligible function” insert—
- ““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;”.
- (6) In section 40 (ministerial directions to the new Agencies), after subsection (8) add—
- “(9) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (7) In section 43 (incidental power of the new Agencies to impose charges)—
- (a) the existing text becomes subsection (1) of that section,
- (b) after that subsection add—
- “(2) In subsection (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (8) In section 53 (inquiries and other hearings), after subsection (3) add—
- “(4) In subsections (1) and (3) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (9) In section 87 (regulations for the purposes of Part 4), after subsection (9) add—
- “(10) In subsection (5)(c) above, “enactment” includes an enactment comprised in an Act of the Scottish Parliament.”.

Status: This is the original version (as it was originally enacted).

- (10) In section 108 (powers of enforcing authorities and persons authorised by them), in subsection (15)—
- (a) in the definition of “pollution control enactments” at the end add “(including any enactments comprised in, or in instruments made under, an Act of the Scottish Parliament relating to those functions).”;
 - (b) in the definition of “pollution control functions” in relation to the Scottish Ministers, after “instrument” insert “(including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament)”.
- (11) In section 113 (disclosure of information), in subsection (5), after the definition of “new Agency” insert—
- ““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (12) In section 122 (directions), after subsection (5) insert—
- “(6) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (13) In Schedule 6 (the Scottish Environment Protection Agency), in paragraph 15, after sub-paragraph (2) add—
- “(3) In sub-paragraph (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (14) In Schedule 11 (air quality: supplemental provisions), in paragraph 5, after sub-paragraph (6) add—
- “(7) In the definition of “fixed penalty offence” in sub-paragraph (6) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.