

SCHEDULE

PART III

SAVINGS

1. Notwithstanding the repeal of the Rivers (Prevention of Pollution) (Scotland) Act 1951 by this Order, the definition of “tidal waters” contained in section 35(1) of that Act shall continue to have effect, on and after 1st April 2006, as it had effect immediately before that date, for the purposes of section 92(2)(a) of the Agriculture Act 1970⁽¹⁾ and section 151(1) of the Roads (Scotland) Act 1984⁽²⁾.

2. Notwithstanding the repeal of section 30F of the 1974 Act by this Order, section 30F(6) shall continue to have effect, on and after 1st April 2006, as it had effect immediately before that date, for the purposes of section 31B(4)(d) of the 1974 Act⁽³⁾.

3. Notwithstanding the repeal of section 31A of the 1974 Act by this Order, the Control of Pollution (Silage Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003⁽⁴⁾ shall continue to have effect, on and after 1st April 2006, as they had effect immediately before that date.

4. Notwithstanding the repeal of section 33 of the 1974 Act by this Order, the 1991 Order shall continue to have effect, and section 33(1), (3) and (4) of the 1974 Act shall continue to have effect for the purposes of that Order, on and after 1st April 2006, as they had effect immediately before that date.

5. Notwithstanding the repeal of sections 47 and 48 of the 1974 Act by this Order, those sections shall continue to have effect, on and after 1st April 2006, as they had effect immediately before that date, in so far as they may have application to, or may be exercisable in relation to, the subject matter of the 1991 Order.

6. Notwithstanding the amendment of section 17 of, and the repeal of Part III of Schedule 1 to, the Water (Scotland) Act 1980⁽⁵⁾ by this Order—

(a) those provisions shall continue to have effect, on and after 1st April 2006, as they had effect immediately before that date, in relation to any application for an order to approve an agreement to acquire rights to take water from any stream or other source which has been submitted by Scottish Water under section 17(1) of that Act on or before 31st March 2006; and

(b) all orders made under section 17(1) of that Act, or enactments which by virtue of paragraph 1 of Schedule 9 to that Act, have effect as if done under that section, shall continue to have effect, on and after 1st April 2006, as they had effect immediately before that date.

7. In this Part of the Schedule—

“the 1974 Act” means the Control of Pollution Act 1974; and

“the 1991 Order” means the Control of Pollution (Continuation of Byelaws) (Scotland) Order 1991⁽⁶⁾.

(1) 1970 c. 40.

(2) 1984 c. 54.

(3) Section 31B was inserted by the Water Act 1989 (c. 15), Schedule 23, paragraph 4 and amended by the Environment Act 1995 (c. 25) Schedule 16, paragraph 5.

(4) S.I. 2003/531. These Regulations were made by virtue of, among others, the powers under section 31A of the Control of Pollution Act 1974 (c. 40).

(5) 1980 c. 45. Part III has been amended by the Water Industry (Scotland) Act 2002 (asp 3), Schedule 6, paragraph 64.

(6) S.I.1991/1156. This Order was made by virtue of the powers under section 33(2) of the Control of Pollution Act 1974 and continues in effect a byelaw made by Clyde River Purification Board under section 25(1)(c) of the Rivers (Prevention of

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