



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART II

#### POLLUTION OF WATER

##### *General provisions*

#### **[<sup>F1</sup>30A Waters to which Part II applies.**

- (1) This part applies to any waters (in this Part referred to as “controlled waters”) of any of the following classes—
- (a) relevant territorial waters, that is to say, subject to subsection (5) below, the waters which extend seaward for three miles from the baselines from which the breadth of the territorial sea adjacent to Scotland is measured;
  - (b) coastal waters, that is to say, any waters which are within the area which extends landward from those baselines as far as the limit of the highest tide or, in the case of the waters of any relevant river or watercourse, as far as the fresh-water limit of the river or watercourse, together with the waters of any enclosed dock which adjoins waters within that area;
  - (c) inland waters, that is to say, the waters of any relevant loch or pond or of so much of any relevant river or watercourse as is above the fresh-water limit;
  - (d) ground waters, that is to say, any waters contained in underground strata, or in—
    - (i) a well, borehole or similar work sunk into underground strata, including any adit or passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole or work; or
    - (ii) any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from the strata.
- (2) The Secretary of State—

*Status: Point in time view as at 24/11/2016. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 30A. (See end of Document for details)*

- (a) shall deposit maps with [F2SEPA] showing what appear to him to be the fresh-water limits of every relevant river or watercourse . . . F3; and
- (b) may from time to time, if he considers it appropriate to do so by reason of any change of what appears to him to be the fresh-water limit of any river or watercourse, deposit a map showing a revised limit for that river or watercourse;

and in subsection (1) above “fresh-water limit”, in relation to any river or watercourse, means the place for the time being shown as the fresh-water limit of that river or watercourse in the latest map deposited for that river or watercourse under this subsection.

- (3) It shall be the duty of [F2SEPA] to keep any maps deposited with it under subsection (2) above available, at all reasonable times, for inspection by the public free of charge.

- (4) In this section—

“miles” means international nautical miles of 1,852 metres;

“loch or pond” includes a reservoir of any description;

“relevant loch or pond” means (subject to subsection (5) below) any loch or pond which (whether it is natural or artificial or above or below ground) discharges into a relevant river or watercourse or into another loch or pond which is itself a relevant loch or pond;

“relevant river or watercourse” means any river or watercourse (including an underground river or watercourse and an artificial river or watercourse) which is neither a public sewer nor a sewer or drain which drains into a public sewer.

- (5) The Secretary of State may by order provide—

- (a) that any area of the territorial sea adjacent to Scotland is to be treated as if it were an area of relevant territorial waters for the purposes of this Part;
- (b) that any loch or pond which does not discharge into a relevant river or watercourse or into a relevant loch or pond is to be treated for those purposes as a relevant loch or pond.

- (6) The power of the Secretary of State to make an order under subsection (5) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and such an order may—

- (a) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate; and
- (b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities.]

#### Textual Amendments

- F1** Ss. 31, 32 and 34-42 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)-(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), [Sch. 27 Pt. I](#) and for ss. 31-32 and ss. 34-42 there is substituted (S.) ss. 30A-32 and 34-42 by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 168, 189(4)-(10), 190, 193(1), 194(4), [Sch. 23 para. 4, Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#)
- F2** Words in s. 30A(2)(a) and (3) substituted (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para. 29\(2\)](#) (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)
- F3** Words in s. 30A(2)(a) repealed (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), [Sch. 22 para. 29\(3\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 30A. (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** S. 30A extended (2.12.1991) by [S.I. 1991/2539, reg. 3, Sch.](#)  
S. 30A amended (27.8.1993) by [1993 c. 12, ss. 40, 51\(2\), Sch. 3 Pt. II para. 16](#) (with ss. 42, 46)
- C2** S. 30A(1)(c) modified (6.1.1997) by [S.I. 1996/3047, reg. 15\(1\)](#)

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**Changes to legislation:**

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