

Status: Point in time view as at 01/10/1991.

Changes to legislation: There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, SCHEDULE 10. (See end of Document for details)

SCHEDULES

SCHEDULE 10 **E+W+S**

Section 27.

MISCELLANEOUS AMENDMENTS

Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66)

- 1 At the end of section 17(1) of the Rivers (Prevention of Pollution) (Scotland) Act 1951 (specification of bodies as river purification authorities) there shall be inserted the words “ and by Part II of the Natural Heritage (Scotland) Act 1991 ”.

Commencement Information

- II** Sch. 10 para. 1 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

Superannuation Act 1965 (c. 74)

- 2 In paragraph 7 of section 39(1) of the Superannuation Act 1965 (public offices) the entry relating to the Nature Conservancy Council for Scotland shall be omitted and at the appropriate place there shall be inserted the following entry— “ Scottish Natural Heritage. ”

Parliamentary Commissioner Act 1967 (c. 13)

- 3 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation) at the appropriate place there shall be inserted the following entry— “ Scottish Natural Heritage. ”

Countryside (Scotland) Act 1967 (c. 86)

- 4 (1) The Countryside (Scotland) Act 1967 shall be amended as follows.
- (2) In section 13(6) (consultation on access agreements) for the word “they” there shall be substituted the word “ it ”.
- (3) In section 49A (management agreements) for subsections (1) to (3) there shall be substituted the following subsections—

“(1) Scottish Natural Heritage may enter into an agreement with any person having an interest in land to do, or to secure the doing of, whatever in the opinion of the parties to the agreement may be necessary to secure the

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conservation and enhancement or to foster the understanding and enjoyment of the natural heritage of Scotland.

- (2) A planning authority may enter into an agreement with any person having an interest in land to do or to secure the doing of whatever in the opinion of the parties to the agreement may be necessary to preserve or enhance the natural beauty of the countryside or to promote the enjoyment of the countryside by the public.
- (3) An agreement under subsection (1) or (2) above shall be known as a “management agreement”.
- (4) In section 54 for subsection (4) there shall be substituted the following subsection—
- “(4) Scottish Natural Heritage may in relation to land—
- (a) owned or managed by it; or
 - (b) to which an access agreement or order made by it applies,
- make byelaws with respect to any of the matters mentioned in the foregoing provisions of this section.”
- (5) In section 60(4) (publication of byelaws) for the words “sum, not exceeding 5p for every copy,” there shall be substituted the words “reasonable sum”.
- (6) In section 61(1) (improvement of waterways) for the words from “whose area” to “and within” there shall be substituted the words “may, as respects any waterway in”.
- (7) In section 66 (duty of ministers to have regard to desirability of conservation) for the words “the natural beauty and amenity of the countryside” there shall be substituted the words “the natural heritage of Scotland within the meaning of the Natural Heritage (Scotland) Act 1991”.
- (8) In section 69(1)(b) (rules for compulsory acquisition) after the word “if” there shall be inserted the words “it or”.
- (9) In subsection (3) of section 70 (application of provisions relating to compensation) for the word “authority” in the second place where it occurs there shall be substituted the word “body”.
- (10) In Schedule 2, in paragraph (e) for the words “the local planning authority” there shall be substituted the words “Scottish Natural Heritage or, as the case may be, the general or district planning authority”.
- (11) Schedule 3 shall be amended as follows—
- (a) in paragraph 1(1)—
 - (i) for the words “an authority make” there shall be substituted the words “a body makes”; and
 - (ii) for the word “they” there shall be substituted the word “it”;
 - (b) in paragraph 4 for the word “authority” in the second and third places where it occurs there shall be substituted the word “body”.
- (12) In Schedule 4 for sub-paragraph (2) there shall be substituted the following sub-paragraph—
- “(2) Before or as soon as possible after the coming into operation of an access agreement—

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- (a) Scottish Natural Heritage, in relation to an agreement made by it; or
- (b) the general or district planning authority, in relation to an agreement made by them,

shall agree with the owner of the interest in the land what proportion of the figure set by the district valuer should be paid by Scottish Natural Heritage or, as the case may be, the general or district planning authority in respect of each twelve month period.”

Sewerage (Scotland) Act 1968 (c.47)

5 The Sewerage (Scotland) Act 1968 shall be amended as follows with regard to the penalties for certain offences—

- (a) in subsection (8) of section 12, for the words “level 4 on the standard scale” there shall be substituted the word “ £20,000 ”;
- (b) in subsection (2) of section 24, for the words from “level” to the end of that subsection there shall be substituted the word “ £20,000 ”; and
- (c) in subsection (2) of section 46, for the words from “level 5” to “therefor” there shall be substituted the word “ £20,000 ”.

Commencement Information

I2 Sch. 10 para. 5 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

Local Government (Scotland) Act 1973 (c. 65)

6 After section 135 of the Local Government (Scotland) Act 1973 (establishing river purification areas and boards) there shall be inserted the following section—

“135A Variation of composition of river purification boards.

- (1) The power to make an order under subsection (5) of section 135 of this Act includes power to vary the composition of any river purification board, in accordance with the provisions of this section, in a subsequent order.
- (2) Such a variation order shall provide—
 - (a) that any river purification board shall consist of such number of members as may be specified in the order;
 - (b) that one quarter of the members of the board shall be appointed from among their members by such of the regional councils wholly or partly within the area of the board and in such proportions as may be so specified;
 - (c) that one quarter of the members of the board shall be appointed from among their members by such of the district councils wholly or partly within the area of the board and in such proportions as may be so specified; and
 - (d) that one half of the members of the board shall be appointed by the Secretary of State, after consultation with such bodies as he thinks fit, to represent the interests of persons concerned with the carrying

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on of agriculture, fisheries or industry in the board's area or any other interests which, in the opinion of the Secretary of State, should be represented on the board.

- (3) Such a variation order may make such transitional provisions with regard to the termination and appointment of members, including members appointed by regional or district councils, as the Secretary of State thinks appropriate.”.

Commencement Information

I3 schedule 10 para. 6 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

Control of Pollution Act 1974 (c. 40)

- 7 (1) The Control of Pollution Act 1974 shall be amended as follows.
- (2) In section 54 (directions to a river purification authority)—
- (a) in subsection (2), leave out the words from “to give effect” to the end of that subsection and insert—
- “(a) to give effect to any Community obligation or exercise any related right; or
- (b) to give effect to any obligation or exercise any related right under any international agreement to which the United Kingdom is for the time being a party,
- and “related right”, in relation to an obligation, includes any derogation or other right to make more onerous provisions available in respect of that obligation.”; and
- (b) after subsection (3) insert—
- “(4) The power conferred by subsection (1) of this section to make a direction shall include power, exercisable in like manner and subject to the same conditions, to vary or revoke the direction by a subsequent direction.”.
- (3) After section 55 there shall be inserted the following section—

“55A Regulations under this Part.

Regulations made under this Part of this Act may provide that any provision of this Part, except this section and sections 43 to 45, shall have effect with such modifications as may be prescribed for the purpose of enabling Her Majesty's Government in the United Kingdom—

- (a) to give effect to any Community obligation or exercise any related right; or
- (b) to give effect to any obligation or exercise any related right under any international agreement to which the United Kingdom is for the time being a party,

and “related right”, in relation to an obligation, includes any derogation or other right to make more onerous provisions available in respect of that obligation.”.

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- (4) At the end of subsection (4) of section 93 and of subsection (3) of section 94 (application of the ^{M1}Rivers (Prevention of Pollution) (Scotland) Act 1951 to these sections), there shall be inserted the words “ and a reference to Part II of the Natural Heritage (Scotland) Act 1991 ”.

Commencement Information

I4 Sch. 10 para. 7 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

Marginal Citations

M1 1951 c. 66.

House of Commons Disqualification Act 1975 (c. 24)

- 8 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place there shall be inserted the following entry— “ Scottish Natural Heritage. ”

Water (Scotland) Act 1980 (c. 45)

- 9 (1) The Water (Scotland) Act 1980 shall be amended as follows.
- (2) In subsection (1) of section 31 (consultation with English authorities)—
- (a) after the words “consult with” there shall be inserted “ (a) ”; and
 - (b) at the end of the subsection there shall be added the words “; and
 - (b) the river purification board in whose area any watercourse or underground strata from which or to which it is proposed to transfer water under this subsection is situated.”
- (3) In subsection (3)(a) of section 33 (notice of temporary discharge of water into watercourses)—
- (a) after the word “intentions” there shall be inserted “ (i) ”; and
 - (b) after the words “within which” there shall be inserted the words “; and
 - (ii) the river purification board in whose area,”.
- (4) The words of section 76K (power to give effect to international obligations) shall be subsection (1) of that section and the section shall be further amended as follows—
- (a) in subsection (1) leave out the words from “ to give effect ” to the end of that subsection and insert—
 - “(a) to give effect to any Community obligation or exercise any related right; or
 - (b) to give effect to any obligation or exercise any related right under any international agreement to which the United Kingdom is for the time being a party.”; and
 - (b) after subsection (1) there shall be added the following subsection—
 - “(2) In this section—

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“modifications” includes additions, alterations and omissions;
 and

“related right”, in relation to an obligation, includes any
 derogation or other right to make more onerous provisions
 available in respect of that obligation.”.

(5) In section 101 (power to make regulations) after subsection (1) there shall be inserted the following subsection—

“(1A) Regulations made under this Act may make—

- (a) such supplemental, consequential or transitional provision as the Secretary of State thinks fit;
- (b) different provision for different cases or classes of case.”

(6) In section 109(1) (interpretation of expressions) in the definition of “river purification authority” at the end there shall be added “ and “river purification board” shall be construed in accordance with section 135 of the Local Government (Scotland) Act 1973 ”.

Commencement Information

I5 Sch. 10 para. 9 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

Road Traffic Regulation Act 1984 (c. 27)

10 (1) Section 22 of the Road Traffic Regulation Act 1984 (countryside areas to which special traffic regulation applies) shall be amended as follows.

(2) In subsection (1), for paragraph (b) there shall be substituted the following—

“(b) in the case of Scotland, roads in, or forming part of, or adjacent to or contiguous with—

- (i) a country park within the meaning of section 48 of the Countryside (Scotland) Act 1967;
- (ii) a National Scenic Area designated under section 262C of the Town and Country Planning (Scotland) Act 1972;
- (iii) a Natural Heritage Area designated under section 6 of the Natural Heritage (Scotland) Act 1991;
- (iv) an area in respect of which Scottish Natural Heritage has prepared proposals for a development project or scheme under section 5 of the Natural Heritage (Scotland) Act 1991;
- (v) a nature reserve within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949 or an area which is subject to an agreement under section 15 of the Countryside Act 1968 (areas of special scientific interest);
- (vi) a long distance route within the meaning of section 54 of the said Act of 1967 (power to make byelaws);
- (vii) land belonging to the National Trust for Scotland which is held by the Trust inalienably; or

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(viii) open country, being land which appears to the Secretary of State to consist wholly or predominantly of mountain, moor, heath, hill, woodland, cliff or foreshore, and any waterway; and in this sub-paragraph “waterway” and “foreshore” shall include any bank, barrier, dune, beach, flat or other land adjacent to the waterway or foreshore.”

(3) In subsection (4) for the words “the Countryside Commission for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.

Roads (Scotland) Act 1984 (c. 54)

- 11 (1) The Roads (Scotland) Act 1984 shall be amended as follows.
- (2) In section 20A(6) (environmental assessment of road construction projects) for paragraph (a) there shall be substituted the following paragraph—
- “(a) Scottish Natural Heritage, if the proposal relates to land falling within paragraph (a) or (c) of subsection (5) above; and”
- (3) In section 98(1) (control of stray and other animals on roads) for the word “countryside” there shall be substituted the word “ land ”.

Agriculture Act 1986 (c. 49)

- 12 In section 18(2) of the Agriculture Act 1986 (designation and management of environmentally sensitive areas) for paragraph (c) there shall be substituted the following paragraph—
- “(c) in the case of an area in Scotland, Scottish Natural Heritage.”

Electricity Act 1989 (c. 29)

- 13 In paragraph 4(2) of Schedule 9 to the Electricity Act 1989 (preservation of amenity and fisheries in Scotland) for the words “the Countryside Commission for Scotland, the Nature Conservancy Council for Scotland” there shall be substituted “ Scottish Natural Heritage ”.

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