



Rivers (Prevention of Pollution) (Scotland) Act 1965

CHAPTER 13

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ELIZABETH II



1965 CHAPTER 13

An Act to make further provision for maintaining or restoring the cleanliness of the rivers and other inland waters and of the tidal waters of Scotland; to amend the Rivers (Prevention of Pollution) (Scotland) Act 1951; and for purposes connected with the matters aforesaid.

[2nd June 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Control of certain discharges of effluent

1.—(1) Subject to this Act, it shall be unlawful on and after the date appointed under this section to make a discharge of trade or sewage effluent to a stream, being a discharge which is not controlled under section 28 of the principal Act, without the consent under this Act of the river purification authority.

River purification authority's consent for certain discharges of effluent.

(2) An application to the river purification authority for their consent under this Act shall state—

- (a) the nature and composition of the effluent in respect of which the application is made,
- (b) the maximum temperature of the effluent at the time when it is to be discharged,
- (c) the maximum volume of the effluent which it is proposed to discharge on any one day, and
- (d) the highest rate at which it is proposed to discharge the effluent.

(3) On an application for consent under subsection (1) of this section the river purification authority may grant their consent subject to such conditions as they may think fit, being conditions—

- (a) as to the nature and composition, temperature, volume or rate of discharge of effluent from the land or premises to which the application relates, and
- (b) as to the provision of facilities for taking samples of what is passing from the land or premises to the stream, and in particular as to the provision and maintenance of inspection chambers or manholes,

and any such conditions may be framed so as to have effect for a specified period, or for a period beginning or ending with a specified date.

(4) Where a river purification authority refuse their consent to an application, or where they grant their consent subject to conditions, under this Act or section 28 of the principal Act, the authority shall communicate in writing their decision and the reasons therefor to the applicant.

(5) Subject to this Act, where on or after the date appointed under this section a discharge of trade or sewage effluent, being a discharge which is not controlled under section 28 of the principal Act, is made to a stream without the consent under this Act of the river purification authority, the river purification authority may give to the person making the discharge a notice imposing for the reasons stated therein any such conditions as they might have imposed on an application for their consent for making the discharge.

(6) No conditions imposed under this section shall take effect until the expiration of a period of three months beginning with the giving of the consent, or, as the case may be, the giving of the notice under subsection (5) of this section, and if before the expiration of the said period of three months an applicant for consent under this section or, as the case may be, a person on whom a notice has been served under this section has appealed under this Act to the Secretary of State, no conditions imposed under this section shall take effect until the appeal is withdrawn or disposed of.

(7) No person shall cause or knowingly permit to enter a stream from land or premises, in relation to which conditions have been imposed under this Act and are for the time being in force, a trade or sewage effluent not complying with these conditions.

(8) Section 23 of the principal Act shall apply in relation to the last foregoing subsection as it applies in relation to section 22(1) of that Act.

(9) For the purposes of this section a discharge which is not controlled under section 28 of the principal Act means a discharge of effluent in relation to which a river purification authority have no power to impose conditions of the kinds described in subsection (2)(b) of that section, that is to say, conditions imposed as respects the making of a new discharge as defined in that section, with or without consent.

(10) The date appointed under this section shall be such date as the Secretary of State may by order appoint, being a date not less than fourteen months after the passing of this Act, but applications for consent under this section may be made before that date and where consent is granted before that date subject to conditions, those conditions may, subject to subsection (6) of this section, take effect before that date.

2.—(1) If an application to the river purification authority for their consent under this Act is duly made before the date appointed under section 1 of this Act, and the application is not disposed of before that date, then, until the application is disposed of,—

Protection while applications made before appointed date are being dealt with.

(a) it shall not be an offence under section 1(1) of this Act to make a discharge from the land or premises to which the application relates which is of the nature and composition specified in the application, and which does not, as respects temperature, volume and rate of discharge, exceed the amounts or limits specified in the application, and

(b) no notice shall be given under section 1(5) of this Act imposing any conditions as respects the making of any such discharge.

(2) If an application to the river purification authority for their consent under this Act is duly made before the date appointed under section 1 of this Act, then, until the application is disposed of, it shall not be an offence under, or a contravention of—

(a) section 22(1)(a) of the principal Act, or

(b) any order under section 23 of the principal Act, or

(c) section 8 of the Salmon and Freshwater Fisheries Act 1923 c. 16.
1923, or

(d) any byelaw under section 8 of the Sea Fisheries Regulation (Scotland) Act 1895 or of section 17 of that Act, 1895 c. 42,
or

(e) paragraph 32 of Schedule 3 to the Gas Act 1948, 1948 c. 67.

to make a discharge from the land or premises to which the application relates which is of the nature and composition

specified in the application, and which does not, as respects temperature, volume and rate of discharge, exceed the amounts or limits specified in the application.

(3) In the case of an application before the said date, if it appears to the river purification authority that the applicant has since the making of the application failed to make proper use of, or to repair or maintain, any purification plant through which the effluent was being passed at the time of the application, then, notwithstanding that any discharge made by him has complied with the requirements of the last foregoing subsection, that authority may apply by way of summary application to the sheriff having jurisdiction in the area where the purification plant is situated, and, if the sheriff is satisfied that there has been a failure to make proper use of, or to repair or maintain any purification plant as aforesaid, he may order that the exemption conferred by that subsection shall be withdrawn from the applicant.

(4) For the purposes of this section an application for consent of the river purification authority shall not be regarded as disposed of—

- (a) until the river purification authority give their consent to the application, or give notice to the applicant that they refuse to give their consent, and
- (b) until a further period of three months beginning with the giving of the consent, or of a notice refusing the consent, has expired,

and if before the expiration of the said period of three months an appeal is made under this Act to the Secretary of State in respect of the withholding of consent, or of any terms of the consent, the application shall not be regarded as disposed of until the appeal to the Secretary of State is withdrawn or determined.

Furnishing of
 information.

3.—(1) The Secretary of State may, for the purpose of assisting river purification authorities to obtain the information required by them to deal with applications for their consent under this Act, by regulations contained in a statutory instrument prescribe the particulars which may, in accordance with the provisions of the next following subsection, be required of any applicant with regard to the effluents which have been or are being or are to be discharged from the land or premises to which the application relates.

(2) Any particulars prescribed under the foregoing subsection may be included in directions given by a river purification authority under section 18(4) of the principal Act to an applicant for their consent under this Act, and the proviso to the said subsection (4) (under which a person to whom directions are given under that subsection may make representations

to the Secretary of State on the ground that the directions are unreasonable or unduly onerous) shall not apply to any directions so far as they relate to the giving of particulars prescribed under the foregoing subsection.

(3) If a person who has applied for the river purification authority's consent under this Act is convicted of a failure to comply with directions given under the said subsection (4) requiring him to give information as to the discharge of effluents from the land or premises to which his application relates (whether or not the information consists of particulars prescribed under this section) and, on summary application by the river purification authority to the sheriff (which may be an application on the occasion of the conviction), it is shown to his satisfaction that in consequence of that failure the authority has not the material on which to decide the application to them, the sheriff may, if he thinks fit, order that the exemption conferred by subsection (2) of the last foregoing section shall be withdrawn.

Exemption for discharges which comply with conditions

4.—(1) The discharge of trade or sewage effluent to a stream in accordance with a consent granted under this Act or section 28 of the principal Act shall not constitute an offence under, or a contravention of, any of the enactments, orders or byelaws specified in section 2(2) of this Act, and if conditions are imposed under this Act or section 28 of the principal Act, in relation to making a discharge or a new discharge for which the requisite consent has not been given, and are for the time being in force, the making of a discharge from the land or premises to which the conditions relate in compliance with the conditions shall not be an offence under, or a contravention of, any of those enactments.

Protection for persons complying with conditions.

(2) Section 25(1)(a) of the principal Act (under which byelaws may prescribe standards for the purpose of determining whether an effluent is polluting) shall cease to have effect.

General provisions as to conditions and consents governing discharges and new outlets

5.—(1) A river purification authority shall from time to time review any condition having effect under this Act or the principal Act (other than a condition to be satisfied before a discharge is made or an outlet is brought into use), and may give the person making the discharge or using the outlet, as the case may be, a notice varying or revoking any such condition; and the Secretary of State may, if he thinks fit so to do, direct the authority to vary or revoke any such condition and, if the

Review and variation of conditions governing discharges and new outlets.

authority fail within such period as the Secretary of State may allow to give effect to any such direction, the Secretary of State may himself give a notice as aforesaid.

(2) A statement in the form in Schedule 1 to this Act shall be included among the terms of—

- (a) any consent having effect under this Act or the principal Act, and
- (b) any notice given under section 1(5) of this Act or under section 28(4) of the principal Act, and
- (c) any notice given under this section, other than a notice given with the consent in writing of the person to whom it is given,

being a consent taking effect, or a notice given, after the commencement of this Act, and the period specified in the statement shall be a period of not less than two years from the date on which the consent takes effect or the notice is given.

(3) No notice shall be given under subsection (1) of this section before the expiration of the period specified in the said statement except with the consent in writing of the person to whom the notice is given.

(4) Subsection (2) of this section shall not apply to a consent or notice which, in consequence of the temporary nature of the discharge to which it relates or for any other reason, will be spent within two years from the date on which the consent takes effect or the notice is given; and no notice shall be given under subsection (1) of this section varying the conditions of any such consent or notice except with the consent in writing of the person making the discharge.

(5) In this section references to reviewing a condition include references to reviewing any consent on which no condition has been imposed with a view to determining whether a condition should be imposed; and references to varying a condition include references to substituting for any condition or conditions any one or more other conditions, and to imposing any new conditions.

(6) Section 28(5) of the principal Act shall cease to have effect, but any notice given under that subsection shall have effect as if given under subsection (1) of this section.

Appeals.

6.—(1) Where the applicant for consent under this Act or section 22, 24 or 28 of the principal Act, or, as the case may be, the person on whom notice has been served by a river purification authority under this Act, or under subsection (4) of the said section 28, is aggrieved—

- (a) by the refusal of a river purification authority to consent to such an application, or

(b) by the terms of any such consent as aforesaid, or of such a notice,

he may within three months of his receipt of the decision on his application or, as the case may be, of his receipt of the notice, appeal in writing to the Secretary of State, and, if he so appeals, he shall at the same time serve a copy of his appeal on the river purification authority.

(2) Where an appeal is made as aforesaid, the Secretary of State may allow or dismiss the appeal, or may vary or revoke any terms of any such consent or notice, or may impose such new terms as he may think fit, and in the case of an appeal in relation to an application may deal with it as if it were an application to him in the first instance.

(3) At any stage of the proceedings on an appeal to the Secretary of State under this section he may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in those proceedings.

(4) Before disposing of an appeal under this section the Secretary of State shall, if the appellant or the river purification authority so require, afford to the appellant and the authority an opportunity of appearing before and being heard by a person appointed in that behalf by the Secretary of State.

7.—(1) Every river purification authority shall include in the register maintained by them under subsection (7) of section 28 of the principal Act such particulars as the Secretary of State may by order prescribe of any conditions which have been imposed under this Act in relation to land or premises in their area, and of the other terms included in pursuance of this Act in any consent or notice; and paragraph (b) of the said subsection (7) shall apply in relation to a person charged with an offence under this Act as it applies in relation to a person charged with an offence under that section.

Other provisions relating to discharges and new outlets.

(2) Any condition imposed under this Act or section 28 of the principal Act shall continue in force (subject to any variation under this Act or the said section 28) until revoked, and shall be binding on any person discharging effluent from the land or premises or, as the case may be, using the outlet to which the condition relates.

(3) If the occupier of land or premises from which effluent passes or may pass to a stream by two or more ways meeting at the outlet, or a point short of the outlet, gives his consent for the purposes of this subsection, the power to impose conditions under this Act or section 28 of the principal Act as to effluent discharged from the land or premises shall thereafter

(and notwithstanding any change of occupier) include power to impose conditions as to the nature and composition, temperature, volume or rate of discharge of effluent passing in each or any of those ways separately; and a consent given for the purposes of this subsection shall be recorded in the register under subsection (7) of the said section, but may be withdrawn by agreement with the river purification authority or on an appeal by agreement with the Secretary of State.

(4) Any condition imposed under the said section 28 may be framed so as to have effect for a specified period or for a period beginning or ending with a specified date.

Tidal Waters

Application
of Act to
tidal waters.

8.—(1) Sections 1 to 3 of this Act shall apply to any tidal waters to which any of the provisions of the principal Act for the time being apply (with or without modifications) by virtue of section 29 of that Act (application of principal Act to tidal waters) or of an order made under that section as they apply to a stream, but as if, in relation to any tidal waters to which the provisions of the principal Act, or any of them, are first applied at a time after the commencement of this Act, for references to the date appointed under section 1 of this Act there were substituted references to a date twelve months after that time or such earlier or later date as may be specified in the order applying the said provisions.

(2) The provisions of this Act (other than sections 1 to 3, unless these sections apply by virtue of the foregoing subsection) and of section 28 of the principal Act shall apply to any tidal waters within the seaward limits specified in Schedule 2 to this Act (in this section referred to as “controlled waters”) as they apply to a stream; but the Secretary of State may by order direct that the provisions of the said sections 1 to 3 shall so apply to such controlled waters as may be specified in the order.

(3) The Secretary of State may by order direct that the provisions of this Act and of section 28 of the principal Act shall apply to any tidal waters (not being controlled waters) specified in the order in the like manner as these provisions may be applied to controlled waters under the last foregoing subsection; and thereupon those waters shall become controlled waters within the meaning of this section, and their seaward limits shall, as prescribed in the order, be added to the said Schedule 2.

(4) For the purposes of the application of this Act and section 28 of the principal Act to any tidal waters (including all controlled waters) the river purification authority shall be the one whose area includes the land or premises from which

the discharge in question is or is to be made, or, as the case may be, from which the effluent is or is to be discharged by means of the new or altered outlet in question.

(5) For the purposes of the functions of a river purification authority their area shall include any tidal waters adjoining that area to which the provisions of this section apply; and accordingly in section 3(1) of the principal Act for the words "this Act for the time being applies" there shall be substituted the words "the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 apply".

(6) Section 28(8)(a) of the principal Act (which defines the expression "new or altered outlet" by reference to the date of the coming into force of that section) shall have effect in relation to any controlled waters (other than waters to which the said section 28 applied immediately before the coming into force of this Act by virtue of an order made under the said section 29) as if for the reference to the date of the coming into force of the said section 28 there were substituted a reference to the date of the coming into force of this Act; and in relation to any tidal waters specified in an order made under subsection (3) of this section the said section 28(8)(a) shall have effect as if for the reference first mentioned there were substituted a reference to the coming into force of the order.

(7) The provisions of subsections (3) to (5) of section 29 of the principal Act shall apply to an order made under this section as they apply to an order made under subsection (2) of that section; and in section 31(1) of that Act (which provides, among other things, that certain orders shall be subject to annulment in pursuance of a resolution of either House of Parliament) after the words "of this Act" there shall be inserted the words "or by section 8 of the Rivers (Prevention of Pollution) (Scotland) Act 1965".

Miscellaneous and supplemental

9.—(1) A person guilty of a contravention of section 1 of this Act or, a person who, after the commencement of this Act, is guilty of a contravention of section 28 of the principal Act, or of an offence punishable under section 22 of that Act shall be liable—

Penalties and proceedings for certain offences.

(a) on summary conviction to—

(i) a fine not exceeding one hundred pounds; and

(ii) in the case of an offence, which is shown to the satisfaction of the court to be substantially a repetition or continuation of an earlier offence by him after he has been convicted of the earlier offence (whether under the said sections or otherwise), to a further fine not exceeding twenty pounds

for every day on which the earlier offence has been so repeated or continued by him or of two hundred pounds (whichever is the greater) or to imprisonment for a term not exceeding three months, or to both such a fine and imprisonment; or

(b) on conviction on indictment to—

(i) a fine not exceeding five hundred pounds; and

(ii) in the case of an offence, which is shown to the satisfaction of the court to be substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence (whether under the said sections or otherwise), to a further fine not exceeding one hundred pounds for every day on which the earlier offence has been so repeated or continued by him or of one thousand pounds (whichever is the greater) or to imprisonment for a term not exceeding six months or to both such a fine and imprisonment.

(2) Section 22(3) of the principal Act (under which it is a defence to a charge under subsection (1)(a) of that section to show that it was not reasonably practicable to dispose of the effluent in any other way) shall cease to have effect.

(3) Without prejudice to the exercise of the functions of a river purification authority in relation to any discharge of an effluent from a vessel, in a case where the provisions of the Oil in Navigable Waters Acts 1955 and 1963 apply to restrict such a discharge, no proceedings for an offence against this Act or against the principal Act shall lie in respect of that discharge.

Samples of
effluent.

10.—(1) In any legal proceedings it shall be presumed, until the contrary is shown, that any sample of effluent taken at an inspection chamber or manhole or other place provided in compliance with a condition imposed under this Act or section 28 of the principal Act in relation to any waters is a sample of what was passing from the land or premises to those waters.

(2) A river purification authority may agree with the occupier of any land or premises from which effluent is discharged on the point or points at which, in exercise of the river purification authority's rights under section 19 of the principal Act, samples are to be taken of the effluent passing into any waters, and in any legal proceedings it shall be presumed, until the contrary is shown, that any sample of effluent taken at a point fixed under this section is a sample of what was passing from the land or premises to those waters.

(3) An agreement under the last foregoing subsection shall have effect in relation to the land or premises (notwithstanding any change of occupier), but the river purification authority or

the occupier for the time being may at any time declare that it shall cease to have effect.

(4) In default of agreement under the foregoing provisions of this section, the river purification authority may apply to the Secretary of State and the Secretary of State may, after considering any representations made to him by the occupier of the land or premises and any other person who appears to the Secretary of State to be interested, fix the point at which samples are to be taken; and the Secretary of State may from time to time on the application of the river purification authority or the occupier of the land or premises review and vary any decision taken by him under this subsection.

(5) Every river purification authority shall maintain a register containing such particulars as the Secretary of State may direct of sampling points fixed under the foregoing provisions of this section, and the register shall be open to inspection at all reasonable hours by any person appearing to the river purification authority to be interested.

(6) Section 19 of the principal Act shall be amended in accordance with the following provisions of this subsection, that is to say—

(a) for subsection (2) there shall be substituted the following subsections:—

“(2) Subject to the next following subsection, the result of any analysis of a sample taken under this section shall not be admissible as evidence in any legal proceedings in respect of any effluent passing from any land or vessel unless the following requirements are complied with, that is to say, the person taking the sample—

- (a) forthwith notifies to the occupier of the land or the owner or master of the vessel his intention to have it analysed, and
- (b) there and then divides the sample into three parts and causes each part to be placed in a container which is sealed and marked, and
- (c) delivers one part to the occupier of the land or the owner or master of the vessel, retains one part for future comparison, and, if he thinks fit to have an analysis made, submits one part to the analyst.

(2A) If it is not reasonably practicable for the person taking the sample forthwith to notify to the occupier of the land or the owner or master of the vessel his intention to have it analysed, the last preceding subsection shall be construed as requiring the matters specified in paragraphs (a) to (c) thereof to be done as soon as is reasonably practicable.

(2B) In relation to any legal proceedings in respect of any effluent passing from a local authority sewer into any water, subsection (2) of this section shall have effect as if the reference to the occupier of the land were a reference to the sewerage authority by whom the sewer is maintained.”;

(b) after subsection (3) there shall be inserted the following subsection:—

“(4) In this section any reference to an analysis shall be construed as including a reference to any test of whatever kind, and ‘analysed’ and ‘analyst’ shall be construed accordingly, and any reference to land includes a reference to premises.”.

Restriction on disclosure of information.

11.—(1) If any person discloses any information—

- (a) which has been furnished to or obtained by him in connection with an application for consent, or the imposition of conditions, under this Act or the principal Act (including the variation of conditions, and appeals and applications to the Secretary of State); or
- (b) which is derived from a sample of effluent taken for the purposes of this Act or the principal Act,

he shall be guilty of an offence, unless the disclosure is made—

- (i) with the consent of the person by whom the information was furnished or from whom it was obtained or, in the case of information derived from a sample of effluent, of the person making the discharge in question; or
- (ii) in connection with the execution of this Act or the principal Act; or
- (iii) for the purposes of any proceedings arising out of this Act or the principal Act (including appeals and applications to the Secretary of State) or of any criminal proceedings whether so arising or not, or for the purpose of any report of any such proceedings.

(2) A person guilty of an offence under the foregoing subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both.

(3) Nothing in this section shall prevent the disclosure of information derived from a sample of the waters into which an effluent is discharged.

Prohibition on depositing of solid refuse in certain cases.

12. The prohibition imposed subject to certain exceptions by section 22 of the principal Act on the depositing of solid refuse from a mine or quarry so that it falls or is carried into a stream shall be extended to include any solid refuse.

13.—(1) In section 9 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (saving for certain acts which would otherwise be offences) for the words “where such act relates to salmon” there shall be substituted the words “in the case of an act which relates to salmon and which is not an act specified in paragraph (a) or (b) of section 4 of this Act, with the previous permission in writing”.

Saving for certain acts done for scientific etc. purposes with consent of Secretary of State or in certain cases of a district board.
1951 c. 26.

(2) In section 22(6) of the principal Act at the end there shall be inserted the following paragraph—

“(e) any act which, by virtue of section 9 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951, is not a contravention of either paragraph (a) or paragraph (b) of section 4 of the said Act (which paragraphs prohibit the use of any explosive substance, and of poison or other noxious substance for the taking or destroying of fish).”

14.—(1) The provisions of the principal Act specified in the following subsection shall apply—

Application of principal Act to discharges to streams and tidal waters.

(a) in relation to a discharge of trade or sewage effluent to a stream to which this Act applies as they apply in relation to any discharge controlled under section 28 of the said Act, and

(b) in relation to controlled waters within the meaning of section 8 of this Act as they apply in relation to a stream.

(2) The provisions specified for the purpose of subsection (1) of this section are as follows—

(a) section 18—provision and obtaining of information,

(b) section 19—power to take samples of effluent,

(c) section 20—powers of entry and inspection,

(d) section 21—penalty for obstruction,

(e) section 25—byelaws,

(f) section 26—supplementary provisions with regard to byelaws,

(g) section 30—local inquiries,

(h) section 31—orders,

(i) section 33—supplementary powers of the Secretary of State,

(j) section 34—repeal or amendment of local enactments.

15.—(1) In this Act “the principal Act” means the Rivers (Prevention of Pollution) (Scotland) Act 1951 and this Act shall be construed as one with the principal Act.

Interpretation and construction.
1951 c. 66.

(2) In this Act any reference to the terms of a consent or notice includes a reference to any conditions attaching to such a consent or notice.

(3) Nothing in this Act or in any order made under section 29 of the principal Act shall be taken as applying to the ordinary use for the purpose of sanitation on vessels in tidal waters of sanitary appliances from which polluting matter passes or can pass into such waters, unless a byelaw made under section 25(1)(c) of the principal Act is in force in relation to these waters.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

Expenses.

16. There shall be paid out of moneys provided by Parliament—

- (a) any expenses incurred by the Secretary of State under this Act ; and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other enactment out of moneys so provided.

Short title,
 citation,
 extent,
 repeals and
 commence-
 ment.

17.—(1) This Act may be cited as the Rivers (Prevention of Pollution) (Scotland) Act 1965.

(2) This Act and the Rivers (Prevention of Pollution) (Scotland) Act 1951 may be cited together as the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965.

(3) This Act shall extend to Scotland only.

(4) Any proceedings pending under section 22, 24 or 28 of the principal Act at the commencement of this Act may be continued and determined as if this Act had not been passed.

(5) The provisions of the principal Act mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified therein, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(6) The provisions of the principal Act mentioned in Schedule 4 to this Act shall be repealed to the extent specified in the third column of that Schedule.

(7) Save as otherwise expressly provided, this Act shall come into force at the expiration of a period of two months beginning with the date on which it is passed.

SCHEDULES

SCHEDULE 1

Section 5.

STATEMENT TO BE INCLUDED IN CONSENTS AND NOTICES

The terms of this [consent] [notice] will not, without the consent in writing of the person to whom this [consent] [notice] is given (or his successor), be altered before the expiration of the period ending with the day of 19 .

SCHEDULE 2

Section 8.

SEAWARD LIMITS OF CONTROLLED WATERS

In this Schedule, a group of two letters and eight figures identifying or associated with any point represents the map co-ordinates of that point estimated to the nearest ten metres on the grid of the national reference system used by the Ordnance Survey on its maps and plans.

1. A line drawn from Holborn Head at ND10927158 to Easter Head at ND20247684.

2. A line drawn across Wick Bay from North Head at ND38255100 to South Head at ND37644970.

3. A line drawn across the entrance to Loch Fleet from NH81269557 to NH81249534.

4. A line drawn across the Dornoch Firth from the seaward end of the pier near Embo at NH82089209 to Tarbat Ness at NH94908780.

5. A line drawn from North Sutor at NH81206867 to Sutors Stacks at NH81246705.

6. A line drawn from NH73835800 near Rosemarkie to NH77005747 near Fort George.

7. A line drawn from NH84755680 near the fishing station to the seaward end of the east pier at NH88885753 and thence to the Nairn-Auldearn parish boundary at NH89915747.

8. A line drawn across the entrance to Findhorn Bay from NJ03206470 to NJ03206450.

9. A line drawn from the seaward end of the north pier at Branderburgh Harbour at NJ24037117 to NJ28956767 near Boar's Head Rock.

10. A line drawn from NJ31556645 near Rifle Range to the seaward end of the east pier at Portgordon at NJ39626446.

11. A line drawn from Knock Head at NJ65866600 to Collie Rocks at NJ70506522 and thence to NJ72296483 at Bay of Cullen.

12. A line drawn from the west pier at Sandhaven at NJ96656756 to Kinnairds Head at NJ99826769 and thence to the seaward end of the jetty near Cairnbulg Point at NK03366568.

13. A line drawn from Criag Ewan at NK12244813 to North Head at NK14134644 and thence to Buchan Ness at NK13774220.

14. A line drawn from The Bow at NK10483627 to NK08663335 near The Skares.

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15. A line drawn from NK01242500 to the east end of the Newburgh Bar at NK01062387 and thence to NK00262300.

16. A line drawn from east of Club House at NJ95510974 to Girdle Ness at NJ97380530 and thence to Greg Ness at NJ97220424.

17. A line drawn across Craigevan Bay and Stonehaven Bay from Garron Point at NO89378770 to Downie Point at NO88238535.

18. A line drawn from Milton Ness at NO77066476 to Scurdie Ness at NO73395663.

19. A line drawn from the Deil's Head at NO67074180 to Fife Ness at NO63830976.

20. A line drawn across the Firth of Forth from Kinraig Point at NT46509970 to Gullane Point at NT46158310.

21. A line drawn from St. Baldred's Cradle at NT63828128 to Meikle Spiker at NT68307940 and thence to Lawrie's Den at NT70157832.

22. A line drawn from the point at which the national boundary between Scotland and England meets the coast, thence 880 yards or thereby approximately north-east to NT98505810, thence approximately north-north-west to NT96006510 (a point 1320 yards or thereby east of the rock Buss Craig by the entrance to Eyemouth Harbour), thence approximately north-west to NT92006980 (a point 880 yards or thereby north-east of St. Abb's Head Lighthouse), thence approximately west-north-west to NT86107180 (a point 880 yards or thereby north of Fast Castle), thence approximately west-north-west to NT77707320 (a point 880 yards or thereby north-east of the mouth of the Dunglass Burn), thence to the mouth of the Dunglass Burn.

23. A line drawn across the River Tweed from the north bank at NT94725217.

24. A line drawn across the Solway Firth from the landward end of the pier at Silloth in Cumberland to Southernness Point in Kirkcudbrightshire.

25. A line drawn across Rough Firth and Auchencairn Bay from Castlehill Point at NX85415238 to Balcarry Point at NX82874938.

26. A line drawn across Kirkcudbright Bay from Fox Craig at NX65304320 to Gipsy Point at NX68534360.

27. A line drawn across Wigtown Bay from Eggerness Point at NX49384655 to Meggerland Point at NX59604760.

28. A line drawn across Luce Bay from Ringdoo Point at NX17125552 to the landward end of the pier at Stair Haven at NX20875365.

29. A line drawn across Loch Ryan from Milleur Point at NX02027369 to Finnarts Point at NX04557410.

30. A line drawn from Downan Point at NX06778035 to the pier at Foreland at NX08108303.

31. A line drawn from Black Neuk at NX16969534 to the seaward end of the pier at Girvan Harbour at NX17989830 and thence to NX18389915 near Girvan Mains.

32. A line drawn from Heads of Ayr at NS28441880 to Farland Head at NS17824847.

33. A line drawn across the Sound of Bute and the Firth of Clyde from Skipness Point at NR91255730 to Farland Head at NS17824847.

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34. A line drawn across Campbeltown Loch and Kildalloig Bay from Macringan's Point at NR75382136 to NR75221956 near Davarr House.

35. A line drawn across Loch Linnhe and the Firth of Lorne from Rubha An Ridire at NM73354000 to the south end of Lismore Island at NM78383575, thence to Rubha Na Feundain at the south end of Kerrera at NM78502675 and thence to Barnacarry Bay at NM80602300.

SCHEDULE 3

Section 17.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE PRINCIPAL ACT

In section 22—

in subsection (1) for paragraph (c) there shall be substituted the following paragraph—

“(c) if he deposits on any land any solid refuse so that it falls or is carried into a stream”;

in subsection (4) for the words from “(which consent” to “quarry” there shall be substituted the words “of any solid refuse”;

subsections (5) and (7) shall be omitted;

in subsection (9) for the words from “the proviso” to the word “section” there shall be substituted the words “section 9(1) of the Rivers (Prevention of Pollution) (Scotland) Act 1965”;

in subsection (10) for the words “subsection (7)” there shall be substituted the words “section 9(1) of the Rivers (Prevention of Pollution) (Scotland) Act 1965”.

In section 23—

in subsection (2) for the words “the proviso to subsection (7)” there shall be substituted the words “section 9(1) of the Rivers (Prevention of Pollution) (Scotland) Act 1965”.

In section 24—

in subsection (1) the words “(which shall not be unreasonably withheld)” wherever they occur shall be omitted;

subsection (3) shall be omitted.

In section 28—

in subsection (1) the words “(which consent shall not be unreasonably withheld)” shall be omitted;

in subsection (2) for the words “reasonably impose” there shall be substituted the words “think fit”, and at the end of that subsection there shall be inserted the following words “and it shall be unlawful to bring into use a new or

altered outlet or to begin to make a new discharge without complying with any conditions imposed by the river purification authority under this subsection ” ;

in subsection (3) the word “ reasonably ” shall be omitted ;
subsections (5), (6), (10), (11) and (13) shall be omitted.

In section 29—

in subsection (2) after the words “ direct that ” there shall be inserted the words “ any of ”.

Section 17.

SCHEDULE 4

REPEALS

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 66.	Rivers (Prevention of Pollution) (Scotland) Act 1951.	In section 20, subsection (6). In section 22, subsection (3); in subsection (4) the words “ (which consent shall not be unreasonably withheld) ”; subsections (5) and (7). In section 24, in subsection (1) the words “ (which shall not be unreasonably withheld) ” wherever they occur; subsection (3). In section 25, subsections (1)(a), (2) and (3). In section 26, subsection (1). Section 27. In section 28, in subsection (1) the words “ (which consent shall not be unreasonably withheld) ”; in subsection (3) the word “ reasonably ”; subsections (5), (6), (10), (11) and (13). In section 35(3), from the beginning to the word “ Act ”. In Schedule 3, paragraph 2.

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