



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART II

#### POLLUTION OF WATER

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

- C1** Pt. II modified (S.) (19.5.1993) by S.I. 1993/1156, regs. 3, 4, 5, **Sch. 1**  
Pt. II (ss. 31-56) modified (1.4.1996) by 1995 c. 25, s. 33(5)(b) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- C2** Pt. II amended by S.I. 1984/1200, **reg. 2(1)**  
Pt. II amended (1.5.1994) by S.I. 1994/1056, reg. 1(3), 19, **Sch. 4 Pt. I para. 11**
- C3** Pt. II modified by S.I. 1984/1200, **reg. 3, Sch. 1** and 1985/5, regs. 3(1)(2), 4(1)(a)
- C4** Pt. II modified by Channel Tunnel Act 1987 (c. 53, SIF 102), ss. 6, 45, **Sch. 2 para. 5(5), Sch. 7 Pt. VI para. 2**
- C5** Functions exercisable under Pt. II by (a) Minister of Agriculture, Fisheries and Food and (b) that Minister and Secretary of State jointly transferred (W.) by S.I. 1978/272, **art. 2(1)(3), Sch. 1**  
Pt. II: transfer of functions (12.10.1995) by 1995 c. 25, s. 21(1)(a)(ii) (with ss. 7(6), 115, 117); S.I. 1995/2649, **art. 2**

##### *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

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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—

- (a) shall deposit maps with [F<sup>2</sup>SEPA] showing what appear to him to be the fresh-water limits of every relevant river or watercourse . . . F<sup>3</sup>; 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 [F<sup>2</sup>SEPA] 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

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- (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](#)

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

- C6** 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)
- C7** S. 30A restricted (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), [reg. 1, Sch. 8 para. 39\(2\)\(a\)\(v\)](#) (with [reg. 78, Sch. 5 para. 2](#))
- C8** S. 30A(1)(c) modified (6.1.1997) by [S.I. 1996/3047, reg. 15\(1\)](#)

### <sup>F4F5</sup>30B Classification of quality waters.

#### Textual Amendments

- F4** 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](#)
- F5** S. 30B repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [Sch. 3 para. 16\(2\)\(a\)](#); [S.S.I. 2014/160, art. 2\(1\)\(2\)](#), [Sch.](#)

### <sup>F6F7</sup>30C Water quality objectives.

#### Textual Amendments

- F6** 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](#)
- F7** S. 30C repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [Sch. 3 para. 16\(2\)\(b\)](#); [S.S.I. 2014/160, art. 2\(1\)\(2\)](#), [Sch.](#)

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### <sup>F8F9</sup>**30D General duties to achieve and maintain objectives etc.**

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#### **Textual Amendments**

- F8** 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**
- F9** S. 30D repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(2)(c)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

### <sup>F8F10</sup>**30E Consultation and collaboration.**

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#### **Textual Amendments**

- F8** 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**
- F10** S. 30E repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(2)(d)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

*[<sup>F11</sup> Control of entry of polluting matter and effluents into water]*

#### **Textual Amendments**

- F11** Crossheading inserted (S.) (1.4.1996) by 1995 c. 25, s. 106, **Sch. 16 para. 2** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

### <sup>F12</sup>**30F Pollution offences.**

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#### **Textual Amendments**

- F12** Ss. 30F-31A repealed (1.4.2006) by The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181), art. 1, **sch. Pt. I** (with sch. Pt. III)

### <sup>F12</sup>**30G Prohibition of certain discharges by notice or regulations.**

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**Textual Amendments**

**F12** Ss. 30F-31A repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **sch. Pt. I** (with sch. Pt. III)

**<sup>F12</sup>30H Discharges into and from sewers etc.**

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**Textual Amendments**

**F12** Ss. 30F-31A repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **sch. Pt. I** (with sch. Pt. III)

**<sup>F12</sup>30I Defence to principal offences in respect of authorised discharges.**

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**Textual Amendments**

**F12** Ss. 30F-31A repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **sch. Pt. I** (with sch. Pt. III)

**<sup>F12</sup>30J Other defences to principal offences.**

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**Textual Amendments**

**F12** Ss. 30F-31A repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **sch. Pt. I** (with sch. Pt. III)

*Control of entry of polluting matter and effluents into water*

**<sup>F12</sup>31 Control of pollution of rivers and coastal waters etc.**

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**Textual Amendments**

**F12** Ss. 30F-31A repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **sch. Pt. I** (with sch. Pt. III)

**<sup>F12</sup>31A Requirements to take precautions against pollution.**

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**Textual Amendments**

**F12** Ss. 30F-31A repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **sch. Pt. I** (with sch. Pt. III)

**F8F13 31BNitrate sensitive areas.**

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**Textual Amendments**

**F8** 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**

**F13** S. 31B repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **Sch. 3 para. 16(2)(e)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

**F8F14 31CRegistering of agreement.**

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**Textual Amendments**

**F8** 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**

**F14** S. 31C repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **Sch. 3 para. 16(2)(f)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

**F15 31D .....**

**Textual Amendments**

**F15** S. 31D repealed (1.4.1996) by [1995 c. 25](#), s. 120(1)(3), Sch. 22 para. 29(7), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**F16 32 .....**

**Textual Amendments**

**F16** S. 32 repealed (1.4.1996) by [1995 c. 25](#), ss. 106, 120(3), Sch. 16 para. 3, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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**F1733 Control of sanitary appliances on vessels.**

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**Textual Amendments**

**F17** Ss. 33-40 repealed (1.4.2006) by *The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181)*, art. 1, **Sch. Pt. I** (with sch. Pt. III)

*Consents for discharges*

**F1734 Consents for discharges of trade and sewage effluent etc.**

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**Textual Amendments**

**F17** Ss. 33-40 repealed (1.4.2006) by *The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181)*, art. 1, **Sch. Pt. I** (with sch. Pt. III)

**F1735 Reference to Secretary of State of certain applications for consent.**

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**Textual Amendments**

**F17** Ss. 33-40 repealed (1.4.2006) by *The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181)*, art. 1, **Sch. Pt. I** (with sch. Pt. III)

**F1736 Provisions supplementary to ss. 34 and 35.**

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**Textual Amendments**

**F17** Ss. 33-40 repealed (1.4.2006) by *The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181)*, art. 1, **Sch. Pt. I** (with sch. Pt. III)

**F1737 Revocation of consents and alteration and imposition of conditions.**

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**Textual Amendments**

**F17** Ss. 33-40 repealed (1.4.2006) by *The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181)*, art. 1, **Sch. Pt. I** (with sch. Pt. III)

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**F17 38 Restriction on variation and revocation of consent and of previous variation.**

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**Textual Amendments**

**F17** Ss. 33-40 repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with sch. Pt. III)

**F17 38A General review of consents.**

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**Textual Amendments**

**F17** Ss. 33-40 repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with sch. Pt. III)

**F17 39 Appeals to the Secretary of State.**

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**Textual Amendments**

**F17** Ss. 33-40 repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with sch. Pt. III)

**F17 40 Transitional provisions relating to consent.**

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**Textual Amendments**

**F17** Ss. 33-40 repealed (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with sch. Pt. III)

*Ancillary provisions relating to control of discharges*

**F8F18 41 Registers.**

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**Textual Amendments**

**F8** 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,](#)



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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

**F18** S. 41 repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(2)(g)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

**F19** **42A Exclusion from registers of information affecting national security.**

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**Textual Amendments**

**F19** S. 42A repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(2)(h)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

**F20** **42B Exclusion from registers of certain confidential information.**

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**Textual Amendments**

**F20** S. 42B repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(2)(i)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

*Control of discharges of trade effluent into public sewers*

**F21F22** **43** .....

**Textual Amendments**

**F21** S. 43 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

**F22** S. 43 repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(2)(j)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

**F23F24** **44** .....

**Textual Amendments**

**F23** S. 44(1)(3)(5)(6) repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

S. 44(2)(4) repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F24** S. 44 repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(2)(k)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

*Status: Point in time view as at 07/12/2022.*

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

F25F26 **45** .....

#### Textual Amendments

- F25** S. 45 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)
- F26** S. 45 repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **Sch. 3 para. 16(2)(l)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

#### Miscellaneous

F27 **46 Operations by river purification authorities to remedy or forestall pollution of water.**

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#### Textual Amendments

- F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

F27 **46A Notices requiring persons to carry out anti-pollution operations.**

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#### Textual Amendments

- F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

F27 **46B Grant of, and compensation for, rights of entry etc.**

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#### Textual Amendments

- F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

F27 **46C Appeals against works notices.**

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#### Textual Amendments

- F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

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**F27 46D Consequences of not complying with a works notice.**

.....

**Textual Amendments**

**F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**F28F27F29 47 Duty of water authorities to deal with waste from vessels etc.**

.....

**Textual Amendments**

**F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**F28** S. 47 repealed (E.W.) (1.9.1989) by 1989 c. 15, s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)-(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F29** S. 47(3) repealed (S.) (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **Sch. 3 Pt. 1** (with s. 127); [S.S.I. 2009/319](#), art. 2(a), Sch. 1

**F27 48 Power of water authorities to exclude unregistered vessels from rivers etc.**

.....

**Textual Amendments**

**F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**F27 49 Deposits and vegetation in rivers etc.**

.....

**Textual Amendments**

**F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**F27 49A Enforcement notices as respects discharge consents.**

.....

**Textual Amendments**

**F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

*Status: Point in time view as at 07/12/2022.*

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

**F27 49B Appeals against enforcement notices.**

.....

**Textual Amendments**

**F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**F27 50 Investigation of water pollution problems arising from closure of mines.**

.....

**Textual Amendments**

**F27** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**[F30 51 Codes of good agricultural practice.**

- (1) The Secretary of State may by order made by statutory instrument approve any code of practice issued (whether by him or by another person) for the purpose of—
  - (a) giving practical guidance to persons engaged in agriculture with respect to activities that may affect controlled waters; and
  - (b) promoting what appear to him to be desirable practices by such persons for avoiding or minimising the pollution of any such waters,
 and may at any time by such an order approve a modification of such a code or withdraw his approval of such a code or modification.
- (2) A contravention of a code of practice as for the time being approved under this section shall not of itself give rise to any criminal or civil liability,<sup>F31</sup> ...
- (3) The Secretary of State shall not make an order under this section unless he has first consulted the river purification authorities.]

**Textual Amendments**

**F30** S. 51 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 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 substituted (S.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)-(10), 190, 193(1), 194(4), Sch. 23 para. 5, Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58

**F31** Words in s. 51(2) repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **Sch. 3 para. 16(4)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

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

**C9** S. 51 extended by [S.I. 1985/708](#), art. 3, **Sch. 1**

**F32F33 52 Charges in respect of certain discharges in England and Wales.**

.....

*Status: Point in time view as at 07/12/2022.*

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

**Textual Amendments**

- F32** S. 52 repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **Sch. 3 para. 16(2)(m)**; [S.S.I. 2014/160](#), art. 2(1)(2), Sch.
- F33** S. 52 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

<sup>F34</sup>**53** .....

**Textual Amendments**

- F34** S. 53 repealed (1.4.1996) by [1995 c. 25](#), s. 120(1)(3), Sch. 22 para. 29(28), **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**

<sup>F35</sup>**54** .....

**Textual Amendments**

- F35** S. 54 repealed (1.4.1996) by [1995 c. 25](#), s. 120(1)(3), Sch. 22 para. 29(28), **Sch. 24** (with ss. 115, 117); [S.I. 1996/186](#), **art. 3**

*Supplemental*

<sup>F36</sup>**55** .....

**Textual Amendments**

- F36** S. 55 repealed (1.4.1996) by [1995 c. 25](#), s. 120(1)(3), Sch. 22 para. 29(28), **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**

<sup>F37</sup>**55A Regulations under this Part.**

Regulations made under this Part of this Act may provide that any provision of this Part, except this section <sup>F38</sup>..., 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 [<sup>F39</sup>EU] 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.]

*Status: Point in time view as at 07/12/2022.*

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

**Textual Amendments**

- F37** S. 55A inserted (1.10.1991) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#), s. 27(1), **Sch. 10 para. 7(3)**; S.I. 1991/2187, art. 3, **Sch.**
- F38** Words in s. 55A repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **Sch. 3 para. 16(5)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F39** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)(5))

**[<sup>F40</sup>56 Interpretation etc. of Part II.**

- (1) Except where the context otherwise requires, in this Part of this Act—
  - “agriculture” and “agricultural” have the same meanings as in the Agriculture (Scotland) Act <sup>M1</sup> 1948;
  - [<sup>F41</sup>“controlled waters” has the meaning] given by section 30A(1) above;
  - [<sup>F42</sup>“drain” has the same meaning as in the <sup>M2</sup>Sewerage (Scotland) Act 1968;]
  - <sup>F43</sup> .....
  - <sup>F43</sup> .....
  - <sup>F43</sup> .....
  - <sup>F43</sup> .....
  - [<sup>F42</sup>“sewer” has the same meaning as in the Sewerage (Scotland) Act 1968;]
  - <sup>F44</sup> .....
  - <sup>F43</sup> .....
  - <sup>F43</sup> .....
  - “underground strata” means strata subjacent to the surface of any land;
  - <sup>F44</sup> .....
  - “watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers, and passages through which water flows except mains and other pipes which belong to [<sup>F45</sup>Scottish Water] or are used by [<sup>F46</sup>Scottish Water] or any other person for the purposes only of providing a supply of water to any premises.

- (2) In this Part of this Act—
  - (a) any reference to the waters of any loch or pond or of any river or watercourse includes a reference to the bottom, channel or bed of any loch, pond, river or, as the case may be, watercourse which is for the time being dry; and
  - (b) any reference to water contained in underground strata is a reference to water so contained otherwise than in a sewer, pipe, reservoir, tank or other underground works constructed in any such strata.

- <sup>F47</sup>(3) .....
- <sup>F48</sup>(4) .....
- <sup>F49</sup>(5) .....
- <sup>F50</sup>(6) ..... ]

*Status: Point in time view as at 07/12/2022.*

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

### Textual Amendments

- F40** S. 56 repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 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 substituted (S.) 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), Sch. 23 para. 6, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58, **Sch. 27 Pt. I**
- F41** Words in s. 56(1) substituted (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(a)(i)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F42** Definitions in s. 56(1) inserted (1.4.1996) by 1995 c. 25, s. 106, **Sch. 16 para. 8** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F43** Words in s. 56(1) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(a)(ii)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F44** Words in s. 56(1) repealed (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, **Sch. para. 4(4)(a)**
- F45** Words in s. 56(1) substituted (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, **Sch. para. 4(4)(b)(i)**
- F46** Words in s. 56(1) substituted (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, **Sch. para. 4(4)(b)(ii)**
- F47** S. 56(3) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(b)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F48** S. 56(4) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 29(28), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F49** S. 56(5) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(b)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F50** S. 56(6) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(b)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

### Modifications etc. (not altering text)

- C10** S. 56(1)-(4) extended (2.12.1991) by S.I. 1991/2539, reg. 3, **Sch.**  
S. 56(1)-(4) amended (27.8.1993) by 1993 c. 12, ss. 40, 51(3), **Sch. 3 Pt. II para. 16** (with ss. 42, 46)
- C11** S. 56(1)(2) restricted (S.) (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, **Sch. 8 para. 39(2)(a)(v)** (with reg. 78, Sch. 5 para. 2)

### Marginal Citations

- M1** 1948 c.45(2:1).  
**M2** 1968 c. 47.

**Status:**

Point in time view as at 07/12/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Pollution Act 1974, Part II.