

Status: Point in time view as at 13/11/2007.

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SCHEDULES

[^{F1}SCHEDULE 1

NOISE ABATEMENT ZONES

Textual Amendments

F1 Sch. 1 substituted by [Local Government Planning and Land Act 1980 \(c. 65\), s. 1\(2\), Sch. 2 para. 18](#)

- 1 Before making a noise abatement order the local authority—
 - (a) shall serve on every owner, lessee and occupier (other than tenants for a month or any period less than a month) of any of the premises within the area and of a class to which the order will relate; and
 - (b) shall publish in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order will relate,a notice complying with the requirements set out in the following paragraph.
- 2 The requirements referred to in the preceding paragraph are that the notice—
 - (a) shall state that the local authority propose to make the order, and its general effect;
 - (b) shall specify a place in the area of the local authority where a copy of the order and of any map or plan referred to in it may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice; and
 - (c) shall state that within the said period any person who will be affected by the order may by notice in writing to the local authority object to the making of the order.
- 3 (1) If an objection is duly made to the local authority within the said period, and is not withdrawn, the local authority shall not make the order without first considering the objection.
 - (2) The local authority may make the order without complying with sub-paragraph (1) of this paragraph if they are satisfied that compliance is unnecessary having regard—
 - (a) to the nature of the premises to which the order will relate when it comes into force; or
 - (b) to the nature of the interests of the persons who have made objections which have not been withdrawn.
 - (3) Where the order varies or revokes a previous order, the local authority may, in acting under this paragraph disregard any objection to the order which in their opinion amounts in substance to an objection which was made to the previous order.
- 4 (1) Subject to paragraph 5 below, an order shall come into operation on such date after it is made as may be specified in it.

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- (2) Except in the case of an order revoking an existing order or varying an existing order by excluding from it any specified class of premises, the date specified under subparagraph (1) above shall not be a date earlier than one month from the date on which the order is made.
- 5 If, before the date on which the order is to come into operation, the local authority—
- (a) passes a resolution postponing the coming into operation of the order; and
 - (b) publishes a notice stating the effect of the resolution in the London Gazette and once at least in each of two successive weeks in a newspaper circulating in the area to which the order relates,
- the order shall, unless there is a further postponement under paragraph (a) above, come into operation on the date specified in the resolution.]

[^{F2}SCHEDULE 1A

ORDERS DESIGNATING NITRATE SENSITIVE AREAS: SCOTLAND

Textual Amendments

- F2** Sch. 1A inserted (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), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

PART I

APPLICATIONS BY [^{F3}SEPA]] FOR DESIGNATION ORDERS

Textual Amendments

- F3** Words in Pt. I heading 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

Orders made only on application

- 1 (1) Subject to sub-paragraph (2) below, the Secretary of State shall not make an order under section 31B of this Act by virtue of which any land is designated as a nitrate sensitive area, except with the consent of the Treasury and on an application which—
- (a) has been made by [^{F4}SEPA] in accordance with paragraph 2 below; and
 - (b) by virtue of sub-paragraph (2)(a) of that paragraph identifies the controlled waters with respect to which that land is so comprised by the order.
- (2) This paragraph shall not apply to an order which reproduces or amends an existing order without adding any land appearing to the Secretary of State to constitute a significant area to the land already comprised in the areas for the time being designated as nitrate sensitive areas.

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Textual Amendments

- F4** Words in Sch. 1A para. 1(1)(a) 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**

Procedure for applications

- 2 (1) [^{F5}SEPA] shall not, for the purposes of paragraph 1 above, apply for the making of any order under section 31B of this Act, by which any land would be comprised in the areas for the time being designated as nitrate sensitive areas unless it appears to [^{F6}SEPA]—
- (a) that pollution is or is likely to be caused by the entry of nitrate into controlled waters as a result of, or of anything done in connection with, the use of particular land for agricultural purposes; and
 - (b) that the provisions for the time being in force in relation to those waters and that land are not sufficient, in the opinion of [^{F7}SEPA], for preventing or controlling such an entry of nitrate into those waters.
- (2) An application under this paragraph shall identify—
- (a) the controlled waters appearing to [^{F8}SEPA] to be the waters which the nitrate is entering or is likely to enter; and
 - (b) the land appearing to [^{F9}SEPA] to be the land the use of which for agricultural purposes, or the doing of anything in connection with whose use for agricultural purposes, is resulting or is likely to result in the entry of nitrate into those waters.
- (3) An application under this paragraph shall be made by serving a notice containing the application on the Secretary of State.

Textual Amendments

- F5** Words in Sch. 1A para. 2(1) 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**
- F6** Words in Sch. 1A para. 2(1)(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 29(10)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** Words in Sch. 1A para. 2(1)(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 29(10)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F8** Words in Sch. 1A para. 2(1)(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 29(10)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F9** Words in Sch. 1A para. 2(1)(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 29(10)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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PART II

ORDERS CONTAINING MANDATORY PROVISIONS ETC.

Publication of proposal for order containing mandatory provisions

- 3 (1) This paragraph applies where the Secretary of State proposes to make an order under section 31B of this Act which—
- (a) makes or modifies any such provision as is authorised by subsection (3)(a) of that section; and
 - (b) in doing so, contains provision which is not of one of the following descriptions, that is to say—
 - (i) provision reproducing existing provisions without modification and in relation to substantially the same area; and
 - (ii) provision modifying any existing provisions so as to make them less onerous.
- (2) The Secretary of State shall, before making any such order as is mentioned in sub-paragraph (1) above—
- (a) publish a notice with respect to the proposed order at least once in each of two successive weeks, in one or more newspapers circulating in the locality in relation to which the proposed order will have effect;
 - (b) not later than the date on which that notice is first published, serve a copy of the notice on—
 - (i) ^{F10}SEPA];
 - (ii) every local authority whose area includes the whole or any part of that locality; and
 - ^{F11}(iii) the National Park authority for any National Park which includes the whole or any part of that locality;]
 - (iii) in the case of an order containing any such provision as is authorised by section 31B(3)(b) of this Act, such owners and occupiers of agricultural land in that locality as appear to the Secretary of State to be likely to be affected by the obligations in respect of which payments are to be made under that provision;
- and
- (c) publish a notice in the Edinburgh Gazette which—
 - (i) names every local authority ^{F12}and National Park authority]on whom a notice is required to be served under this paragraph;
 - (ii) specifies a place where a copy of the proposed order and of any relevant map or plan may be inspected; and
 - (iii) gives the name of every newspaper in which the notice required by virtue of paragraph (a) above was published and the date of an issue containing the notice.
- (3) The notice required by virtue of sub-paragraph (2)(a) above to be published with respect to any proposed order shall—
- (a) state the general effect of the proposed order;
 - (b) specify a place where a copy of the proposed order and of any relevant map or plan may be inspected by any person free of charge at all reasonable

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- times during the period of forty-two days beginning with the date of the first publication of the notice; and
- (c) state that any person may, within that period, by notice to the Secretary of State object to the making of the order.

Textual Amendments

- F10** Words in Sch. 1A para. 3(2)(b)(i) 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**
- F11** Sch. 1A para. 3(2)(b)(ii) inserted (S.) (8.9.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 4(a)** (with s. 32); **S.S.I. 2000/312, art. 2**
- F12** Words in Sch. 1A para. 3(2)(c)(i) inserted (S.) (8.9.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 4(b)** (with s. 32); **S.S.I. 2000/312, art. 2**

Supply of copies of proposed orders

- 4 The Secretary of State shall, at the request of any person and on payment by that person of such charge (if any) as the Secretary of State may reasonably require, furnish that person with a copy of any proposed order of which notice has been published under paragraph 3 above.

Modifications of proposals

- 5 (1) Where notices with respect to any proposed order have been published and served in accordance with paragraph 3 above and the period of forty-two days mentioned in sub-paragraph (3)(b) of that paragraph has expired, the Secretary of State may make the order either in the proposed terms or, subject to sub-paragraph (2) below (but without any further compliance with paragraph 3 above), in those terms as modified in such manner as he thinks fit, or may decide not to make any order.
- (2) The Secretary of State shall not make such a modification of a proposed order of which notice has been so published and served as he considers is likely adversely to affect any persons unless he has given such notices as he considers appropriate for enabling those persons to object to the modification.
- (3) Subject to sub-paragraph (2) above and to the service of notices of the proposed modification on such local authorities as appear to him to be likely to be interested in it, the modifications that may be made by the Secretary of State include any modification of the area designated by the proposed order as a nitrate sensitive area.

Consideration of objections etc.

- 6 Without prejudice to section 96 of this Act, where notices with respect to any proposed order have been published and served in accordance with paragraph 3 above, the Secretary of State may, if he considers it appropriate to do so, hold a local inquiry before deciding whether or not to make the proposed order or to make it with modifications.

Consent of Treasury for payment provisions

- 7 The consent of the Treasury shall be required for the making of any order under section 31B of this Act the making of which does not require the consent of the

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Treasury by virtue of paragraph 1 above but which contains any such provision as is authorised by subsection (3)(b) of that section.

8 In this Part, “local authority” means a [^{F13}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.]

Textual Amendments
F13 Words in Sch. 1A para. 8 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 95(10)**; S.I. 1996/323, **art. 4(1)(c)**

SCHEDULE 2

Section 99.

ALTERATION OF PENALTIES

The Public Health (Scotland) Act 1897

F14₁

Textual Amendments
F14 Sch. 2 para. 1 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F15₂

Textual Amendments
F15 Sch. 2 para. 2 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F16₃

Textual Amendments
F16 Sch. 2 para. 3 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

The Alkali, &c. Works Regulation Act 1906

F17₄

Textual Amendments
F17 Sch. 2 para. 4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

F18₅

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Textual Amendments

F18 Sch. 2 para. 5 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

The ^{M1}Public Health Act 1936

Marginal Citations

M1 1936 c. 49.

[^{F196} In section 19(3) of the Public Health Act 1936 (under which a person is liable on summary conviction to a fine not exceeding £50 if he constructs a drain or sewer in a manner other than that in which he is required to construct it by a local authority in pursuance of that section) for the words 'fifty pounds' there shall be substituted the word '£200'.]

Textual Amendments

F19 Sch 2 para. 6 repealed (E.W.) (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)

[^{F207} In section 27 of that Act (which provides that certain matters are not to be passed into public sewers), in subsection (2) (under which a contravention of that section is punishable on summary conviction by a fine not exceeding £10 and a further £5 for each day on which the offence continues after conviction) for the, words from “to a fine” onwards there shall be substituted the words—
“(a) on summary conviction, to a fine not exceeding £400 and to a further fine not exceeding £50 for each day on which the offence continues after conviction therefor;
(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both”.]

Textual Amendments

F20 Sch. 2 para. 7 repealed (E.W.) (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)

[^{F218} In section 34(5) of that Act (under which a person who causes a drain or sewer to connect with a public sewer in contravention of that section is liable on summary conviction to a fine not exceeding £20) for the words “twenty pounds” there shall be substituted the word “£200”.]

Textual Amendments

F21 Sch. 2 para. 8 repealed (E.W.) (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)

[^{F229} In section 36(1) of that Act (under which a person who causes a drain or sewer to communicate with a public sewer after the local authority have given notice that

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they intend themselves to make the connection is liable on summary conviction to a fine not exceeding £50) for the words “fifty pounds” there shall be substituted the word “£200”.]

Textual Amendments

F22 Sch. 2 para. 9 repealed (E.W.) (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)

[^{F23}10 In section 41(3) of that Act (under which a person is liable upon summary conviction to a fine not exceeding £5 if he does certain work in connection with an underground drain which communicates with a sewer without giving 24 hours notice to the relevant local authority of his intention to do so or if he does not permit an authorised officer of the local authority free access to the work) for the words “five pounds” there shall be substituted the word “£200”.]

Textual Amendments

F23 Sch. 2 para. 10 repealed (E.W.) by [Building Act 1984](#) (c. 55, SIF 15), s. 133(2), **Sch. 7**

[^{F24}11 In section 94(2) of that Act (under which a person who fails to abate a nuisance or to take adequate steps to prevent a recurrence of a nuisance is liable on summary conviction to a fine not exceeding £20) for the word “£20” there shall be substituted the word “£200”]

Textual Amendments

F24 Sch. 2 para. 11 repealed (E.W.)(N.I.) by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

[^{F25}12 In section 95(1) of that Act (under which a person who contravenes or fails to comply with a nuisance order is liable on summary conviction to a fine not exceeding £50 and a further £5 for each day on which the offence continues after conviction) for the words “£50” and “£5” there shall be substituted the words “£400” and “£50” respectively]

Textual Amendments

F25 Sch. 2 para. 12 repealed (E.W.)(N.I.) by [Environmental Protection Act](#)

The ^{M2}Public Health (Drainage of Trade Premises Act 1937

Marginal Citations

M2 1937 c. 40.

[^{F26}13 In section 2 of the Public Health (Drainage of Trade Premises) Act 1937 (under which restrictions are imposed on the discharge of trade effluent), in subsection (5) (under which an occupier of premises is guilty of an offence if trade effluent is discharged in contravention of the section or without any consent necessary for the

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purposes of the Act or if any direction or condition given or imposed under that section is contravened) after the words “guilty of an offence” there shall be inserted the words “and liable on summary conviction to a fine not exceeding £200 and to a further fine not exceeding £50 for every day on which the offence continues after conviction therefor.”]

Textual Amendments

F26 Sch. 2 para. 13 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](#)

[^{F27}14 In section 9 of that Act (under which a person who fails to give specified information to a water authority is liable on summary conviction to a fine not exceeding £5 and a further £2 for each day on which the offence continues after conviction) for the words “five pounds” and “forty shillings” there shall be substituted the words “£50” and “£5” respectively.]

Textual Amendments

F27 Sch. 2 para. 14 repealed (E.W.) (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](#))

The ^{M3}Water Act 1945

Marginal Citations

M3 1945 c. 42 (8 & 9 Geo. 6).

15 In section 19(3) of the Water Act 1945 (under which byelaws made under section 17 of that Act or section 22(6) of the Countryside Act 1968 may contain provision making any person who contravenes the byelaws liable to a fine not exceeding £20 and a further £5 for each day during which the offence continues after conviction) for the words “twenty pounds” and “five pounds” there shall be substituted the words “£400” and “£50” respectively.

[^{F28}16 In section 21 of that Act (under which a person is guilty of an offence if he is guilty of any act or neglect whereby any spring, well, borehole or adit the water from which is used or likely to be used for human consumption or domestic purposes or for manufacturing food or drink for human consumption is polluted or likely to be polluted) after subsection (2) there shall be inserted the following subsection—

“(3) Any person guilty of an offence by virtue of this section shall be liable in respect of each offence—

- (a) on summary conviction to a fine not exceeding £400 and in the case of a continuing offence to a further fine not exceeding £50 for every day during which the offence is continued after conviction ;
- (b) on conviction on indictment. to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment.”]

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Textual Amendments

F28 Sch. 2 para. 16 repealed (E.W.) (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)

17, 18. **F29**

Textual Amendments

F29 Sch. 2 paras 17, 18 repealed by [Water \(Scotland\) Act 1980](#) (c. 45), **Sch. 11**

The Clean Air Act 1956

F30 19

Textual Amendments

F30 Sch. 2 para. 19 repealed (27.8.1993) by [1993 c. 11](#), ss. 67(3), 68(2), **Sch. 6**

The Radioactive Substances Act 1960

F31 20

Textual Amendments

F31 Sch. 2 para. 20 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004](#) (c. 14), **Sch. 1 Pt. 13**

The ^{M4}Sewerage (Scotland) Act 1968

Marginal Citations

M4 1968 c. 47.

- 21 In section 12(8) of the Sewerage (Scotland) Act 1968 (under which a person is liable on summary conviction to a fine not exceeding £25 if he connects a drain or sewer otherwise than in accordance with that section) for the word “£25” there shall be substituted the word “£200”.
- 22 In section 14(6) of that Act (under which a person is liable on summary conviction to a fine not exceeding £25 if he constructs a drain, sewer or sewage treatment works otherwise than in accordance with a direction under that section by a local authority) for the word “£25” there shall be substituted the word “£200”.
- 23 In section 24(2) of that Act (under which an occupier of trade premises who discharges trade effluent into sewers etc. without the consent of, or contrary to a direction given by or condition imposed by, the local authority is liable on summary conviction to a fine not exceeding £50 and a further fine not exceeding £20 for each day on which the offence continues after conviction) for the words “£50” and “£20” there shall be substituted the words “£200” and “£50” respectively.

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- 24 In section 45(2) of that Act (under which a person who fails to give specified information to a local authority is liable on summary conviction to a fine not exceeding £20) for the word “£20” there shall be substituted the word “£50”.
- 25 In section 46 of that Act (which provides that certain matters are not to be passed into public sewers), in subsection (2) (under which a contravention of that section is punishable on summary conviction by a fine not exceeding £20 and a further fine not exceeding £10 for each day on which the offence continues after conviction)—
- (a) for the words “£20” and “£10” there shall be substituted the words “£400” and “£50” respectively and
 - (b) there shall be added at the end the words “and on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment”.

The Clean Air Act 1968

F32²⁶

Textual Amendments

F32 Sch. 2 para. 26 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch. 6**

F33²⁷

Textual Amendments

F33 Sch. 2 para. 27 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch. 6**

SCHEDULE 3

Section 108.

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Alkali, &c. Works Regulation Act 1906

F34¹

Textual Amendments

F34 Sch. 3 paras. 1-4 repealed (22.7.2004) by **Statute Law (Repeals) Act 2004 (c. 14)**, **Sch. 1 Pt. 13**

F34²

Textual Amendments

F34 Sch. 3 paras. 1-4 repealed (22.7.2004) by **Statute Law (Repeals) Act 2004 (c. 14)**, **Sch. 1 Pt. 13**

F34³

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Textual Amendments

F34 Sch. 3 paras. 1-4 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

^{F34}4

Textual Amendments

F34 Sch. 3 paras. 1-4 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

^{F35}5

Textual Amendments

F35 Sch. 3 para. 5 repealed by [Salmon and Freshwater Fisheries Act 1975 \(c. 51\)](#), s. 42(1), [Sch. 5](#)

The ^{M5}Public Health Act 1936

Marginal Citations

M5 1936 c. 49.

^{x1}^{F36} In section 3(1)(b) of the Public Health Act 1936 (under which an order constituting a port health authority may, among other things, assign to the authority any functions conferred on a local authority by that Act) after the words “this Act” there shall be inserted the words “or the Control of Pollution Act 1974”.]

Editorial Information

X1 The text of Sch. 3 paras 6, 19–21, 28, 30 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F36 Sch. 3 para. 6 repealed (E.W.) by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)

PROSPECTIVE

^{x2}7 Sections 79 and 80 of that Act (which relate to the removal of noxious matter, manure and refuse from premises) shall cease to have effect.

Editorial Information

X2 The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7—16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: Point in time view as at 13/11/2007.

Changes to legislation: Control of Pollution Act 1974 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The ^{M6}Public Health (Drainage of Trade Premises) Act 1937

Marginal Citations

M6 1937 c. 40.

^{x3}^{F37}8 Sections 2(4) and 3(2) of the Public Health (Drainage of Trade Premises) Act 1937 and the proviso in section 7(1) of that Act (which relate to the protection of interested bodies within the meaning of that Act) shall cease to have effect.]

Editorial Information

X3 The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7—16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F37 Sch. 3 para. 8 repealed (E.W.) (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)

^{x4}^{F38}9 In section 4(5) of that Act (under which disputes arising under that Act as to the discharges of trade effluent which were made during such a period as is mentioned in subsections (1) or (2) of that section are to be determined by the Secretary of State) for the words “this Act” there shall be substituted the words “section 43 of the Control of Pollution Act 1974” and for the words “is mentioned” there shall be substituted the words “before the repeal of those subsections by that Act was mentioned”.]

Editorial Information

X4 The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7—16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F38 Sch. 3 para. 9 repealed (E.W.) (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)

^{x5}^{F39}10 In section 10(1) of that Act (which authorises the taking of samples of trade effluent which is passing from premises into a public sewer) after the word “passing” there shall be inserted the words “, either directly or through a private drain or sewer.”.]

Editorial Information

X5 The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7—16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F39 Sch. 3 para. 10 repealed (E.W.) (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)

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The ^{M7}Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951

Marginal Citations

M7 1951 c. 26.

F40F41 11

Textual Amendments

F40 Sch. 3 para. 11 repealed (15.11.2006) by [The Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), art. 1(2), **Sch. 4 Pt. 2**

F41 Sch. 3 para. 11 repealed (S.) (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), s. 71(2), **Sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2

The Rivers (Prevention of Pollution) (Scotland) Act 1951

F42 12

Textual Amendments

F42 Sch. 3 para. 12 repealed (1.4.1996) by [1995 c. 25, s. 120\(3\)](#), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F43 13

Textual Amendments

F43 Sch. 3 para. 13 repealed (1.4.1996) by [1995 c. 25, s. 120\(3\)](#), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

X6 14 In section 18 of that Act (which relates to the provision and obtaining of information by river purification authorities), at the end there shall be inserted the following subsection—

“(6) Notwithstanding anything in this Act, any tidal waters adjoining the shore of the area of a river purification authority and any underground waters within the area of such an authority shall be deemed to be included in the expression “stream” for the purposes of the authority’s powers under this section.”

Editorial Information

X6 The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7—16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

X7 15 In section 19 of that Act (which empowers river purification authorities to take samples of effluents), in subsection (3), after the word “authority” there shall be inserted the words “and any underground waters within the area of such an authority”.

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Editorial Information

- X7** The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7—16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The ^{M8}Clean Air Act 1956

Marginal Citations

- M8** [1956 c. 52](#).

^{F44}16

Textual Amendments

- F44** Sch. 3 para. 16 repealed (27.8.1993) by [1993 c. 11, ss. 67\(3\), 68\(2\)](#), [Sch. 6](#)

The ^{M9}Rivers (Prevention of Pollution) Act 1961

Marginal Citations

- M9** [1961 c. 50](#)

- 17 In section 10(1) of the Rivers (Prevention of Pollution) Act 1961 (which among other things relates to inspection chambers provided in compliance with conditions imposed under that Act) and in section 12(1)(ii) of that Act (which authorises the disclosure in connection with the execution of that Act of information of which the disclosure is restricted by that section) the reference to that Act shall include a reference to this Act.

The ^{M10}Public Health Act 1961

Marginal Citations

- M10** [1961 c. 64](#)

- ^{x8}18 At the end of section 34(5) of the Public Health Act 1961 (which among other things provides that “rubbish” in that section does not include material accumulated in the course of business) there shall be inserted the words “or waste deposited in accordance with a disposal licence in force under Part I of the Control of Pollution Act 1974”.

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Editorial Information

- X8** The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7–16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The^{M11}London Government Act 1963

Marginal Citations

M11 1963 c. 33.

- ^{x9}_{F45}19 In section 41(1)(b) of the London Government Act 1963 (which enables the functions, rights and liabilities of a local authority under any of the provisions there mentioned to be assigned to the port health authority for the Port of London) after the words “section 87 of this Act” there shall be inserted the words “and under any provision of the Control of Pollution Act 1974”.]

Editorial Information

- X9** The text of Sch. 3 paras 6, 19–21, 28, 30 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F45** Sch. 3 para. 19 repealed (E.W.) by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)

The^{M12}Water Resources Act 1963

Marginal Citations

M12 1963 c. 38.

- ^{x10}_{F46}20 In section 77(2) of the Water Resources Act 1963 (which refers to sewage effluent within the meaning of the Rivers (Prevention of Pollution) Act 1951) for the words “the Rivers (Prevention of Pollution) Act 1951” there shall be substituted the words “Part II of the Control of Pollution Act 1974”.]

Editorial Information

- X10** The text of Sch. 3 paras 6, 19–21, 28, 30 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F46** Sch. 3 paras. 20, 21 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](#)

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^{x11}_{F47}21 In section 113(1) of that Act (which authorises water authorities to take samples of certain effluents) for the words “Clean Rivers (Estuaries and Tidal Waters) Act 1960” in paragraph (c) there shall be substituted the words “Part II of the Control Pollution Act 1974”.]

Editorial Information

X11 The text of Sch. 3 paras 6, 19–21, 28, 30 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F47 Sch. 3 paras. 20, 21 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](#)

22

F48

Textual Amendments

F48 Sch. 3 para. 22 repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 24 Pt. II](#)

The ^{M13}Spray Irrigation (Scotland) Act 1964

Marginal Citations

M13 1964 c. 56.

^{x12}23 In section 9(2) of the Spray Irrigation (Scotland) Act 1964 (which among other things attracts for the purposes of that Act certain powers of entry contained in the ^{M14}Rivers (Prevention of Pollution) (Scotland) Act 1951), for the words “20(1)(b) of the said Act of 1951 to an authorisation granted under” there shall be substituted the words “91(1)(a)(iii) of the Control of Pollution Act 1974 to any provision of”.

Editorial Information

X12 The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7—16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M14 1951 c. 66.

The ^{M15}Rivers (Prevention of Pollution) (Scotland) Act 1965

Marginal Citations

M15 1965 c. 13.

Status: Point in time view as at 13/11/2007.

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- ^{x13}24 In section 10(1) of the Rivers (Prevention of Pollution) (Scotland) Act 1965 (which contains provisions with respect to samples of effluent taken at an inspection chamber provided in compliance with a condition imposed under that Act of section 28 of the Rivers (Prevention of Pollution) (Scotland) Act 1951) for the words “this Act or section 28 of the principal Act” there shall be substituted the words “sections 34 to 40 of the Control of Pollution Act 1974”.

Editorial Information

X13 The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7—16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

25 **F49**

Textual Amendments

F49 Sch. 3 para. 25 repealed by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\)](#), **Sch. 2**

The ^{M16}Hovercraft Act 1968

Marginal Citations

M16 1968 c. 59.

- ^{x14}26 In section 1(1)(g) of the Hovercraft Act 1968 for the words “no proceedings in pursuance of the Noise Abatement Act 1960” there shall be substituted the words “no proceedings in pursuance of Part III of the Control of Pollution Act 1974”.

Editorial Information

X14 The text of Sch. 3 paras 1, 2, 3(1), 4(1), 7—16, 18, 23, 24, 26, 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Water Act 1973

- [^{F50}27 For the purposes of section 14 of the Water Act 1973 (under which, among other things, functions of local authorities with respect to sewerage and sewage disposal, including certain functions under Part XII of the Public Health Act 1936, were transferred to water authorities), section 306 of the said Act of 1936 (which related to the compulsory purchase of land was contained in the said Part XII) shall have effect from 31st March 1974 as if that section had not been repealed by the Local Government Act 1972.]

Textual Amendments

F50 Sch. 3 paras. 27-30 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**

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^{X15}_{F51}28 In subsection (12) of section 24 of that Act (which relates to reports of surveys prepared by water authorities under that section) after paragraph (a) there shall be inserted the following paragraph—

“(aa) shall secure that a copy of each such report and of all such amendments is available at the principal office of the authority for inspection by the public free of charge at all reasonable hours.”]

Editorial Information

X15 The text of Sch. 3 paras 6, 19–21, 28, 30 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F51 Sch. 3 paras. 27-30 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**

[^{F52}29 In section 36(3) of that Act (which among other things provides that Part II of Schedule 7 to that Act shall have effect with respect to the making of byelaws by water authorities under any enactment shall be construed as including a reference to any enactment passed after that Act.)]

Textual Amendments

F52 Sch. 3 paras. 27-30 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**

^{X16}_{F53}30 In paragraph 17(2) of Schedule 7 to that Act (which relates to the confirmation of byelaws made by a water authority under section 5 of the Rivers (Prevention of Pollution) Act 1951) for the words “section 5 of the ^{M17}Rivers (Prevention of Pollution) Act 1951” there shall be substituted the words “section 31(6) or 33(1) of the Control of Pollution Act 1974” and after the words “a stream” there shall be inserted the words “or the controlled waters (within the meaning of Part 11 of that Act)”.]

Editorial Information

X16 The text of Sch. 3 paras 6, 19–21, 28, 30 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F53 Sch. 3 paras. 27-30 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**

Marginal Citations

M17 1951 c. 64.

Status: Point in time view as at 13/11/2007.

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PROSPECTIVE

The Local Government (Scotland) Act 1973

F54 31

Textual Amendments

F54 Sch. 3 para. 31 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Group 2

^{X17} SCHEDULE 4

Section 108.

REPEALS

Editorial Information

X17 The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of repeal
25 & 26 Vict. c. 97.	The Salmon Fisheries (Scotland) Act 1862.	Section 13.
38 & 39 Vict. c. 55.	The Public Health Act 1875.	Section 148, but not so as to affect any agreement in force under that section.
55 & 56 Vict. c.55	The Burgh Police (Scotland) Act 1892.	Sections 107 to 109. In section 110, the words from “and may place” to “or nuisance.”
	Sections 111 to 114.	Section 116.
58 & 59 Vict. c. 42.	The Sea Fisheries Regulation (Scotland) Act 1895.	Section 8(1)(f).
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act 1897.	In section 39, the first paragraph.
3 Edw. 7. c. 33.	The Burgh Police (Scotland) Act 1903.	Section 23. In section 24, the words “the immediately preceding section or under”.

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6 Edw. 7. c. 14.	The Alkali, &c. Works Regulation Act 1906.	Sections 3, 4, 5 and 8. In section 9(1) the words “a cement work, or a smelting work”. In section 11(b) the words “or with the treatment of alkali waste”. Section 12(1)(d). Sections 14, 15 and 17. In section 18, in subsection (1) the words “other than an offence against a special rule” and subsection (4). Section 19. In section 20 the words “other than an offence against a special rule”. In section 22(1) the words from “or that any alkali waste is deposited” to “contravention of this Act”. In section 28, in paragraph (b) the words “offences against special rules and” and paragraph (c).
13 & 14 Geo. 5. c. 16.	The Salmon and Freshwater Fisheries Act 1923.	In section 9(5) the words from “and section 22(1)(a)” onwards.
24 & 25 Geo. 5. c. 40.	The Administration of Justice (Appeals) Act 1934.	In the Schedule the entry amending section 17(5) of the Alkali Act.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Sections 72 to 77, 79, 80 and 259(2).
1 Edw. 8 and 1 Geo. 6. c. 5.	The Trunk Roads Act 1936.	Section 6(6).
1 Edw. 8 and 1 Geo. 6. c. 40.	The Public Health (Drainage of Trade Premises) Act 1937.	Section 2(4), 3(2) and 4(1) to(3). In section 7(1), the proviso. Section 11. In section 14(1) the definition of “interested body”.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	Section 18.

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14 & 15 Geo. 6. c. 64.	The Rivers (Prevention of Pollution) Act 1951.	The whole Act.
14 & 15 Geo. 6. c. 66.	The Rivers (Prevention of Pollution) (Scotland) Act 1951.	The whole Act except sections 1, 6(1), 7, 9, 10(1), 12(1) to (3) and (4) (a) and (c), 13, 16, 17, 18(1) to (3), 19, 32(1), in section 35(1) the definitions of “contravention”, “functions”, “land”, “local authority”, “local water authority”, “river purification authority”, “river purification board”, “stream” and “tidal waters”, section 36(1) and (5) and Schedule 4.
1 & 2 Eliz. 2. c. 26.	The Local Government (Miscellaneous Provisions) Act 1953.	Section 8.
4 & 5 Eliz. 2. c. 52.	The Clean Air Act 1956.	In section 16(1), in the proviso, paragraph (i). In section 25, paragraphs (a) and (b). In section 26, the words “manufacturing process or”. In Schedule 2, the amendments of sections 3, 8 and 18 of the Alkali Act.
7 & 8 Eliz. 2 c. 25.	The Highways Act 1959.	In section 228(9) the words “section one hundred and forty-eight of the Public Health Act 1875”.
8 & 9 Eliz. 2. c. 34.	The Radioactive Substances Act 1960.	In Schedule 1, in paragraph 3 the words “seventy-nine”, in paragraph 6 the word “eighteen” and paragraphs 7, 8A and 15.
8 & 9 Eliz. 2. c. 54.	The Clean Rivers (Estuaries & Tidal Waters) Act 1960.	The whole Act.
8 & 9 Eliz. 2. c. 68.	The Noise Abatement Act 1960.	The whole Act, but not so as to affect notices served by virtue of section 1 of the Act before the coming into force of section 58 of this Act.
9 & 10 Eliz. 2. c. 50.	The Rivers (Prevention of Pollution) Act 1961.	The whole Act except sections 10, 12, 13(1) and 15(1) and (3).

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1961 c. 64.	The Public Health Act 1961.	Sections 55 to 58 and 63(5).
1963 c. 33.	The London Government Act 1963.	In section 40(4)(d), the reference to section 8 of the Local Government (Miscellaneous Provisions) Act 1953, and section 40(4)(g). In Part I of Schedule 11, paragraphs 14, 16 and 32.
1963 c. 38.	The Water Resources Act 1963.	Sections 72 to 76. In section 79, subsections (1), (2) and (7), in subsection (5) the words “by virtue of subsection (1) of this section or” and in subsection (8) the words from “(including” to “section)”. In section 114, in subsection (1) the words from the first “or” to “section” and the words “or discharge”, and subsections (2) and (4)(a). In section 115(1)(b) the words from “or” to “thereof”. In section 135(8) the word “72”. In Schedule 13, paragraphs 5, 6, 7, 11 and 14.
1965 c. 13.	The Rivers (Prevention of Pollution) (Scotland) Act 1965.	The whole Act except sections 10, 13(1), 15(1) and (4) and 17(1) to (3).
1965 c. 36.	The Gas Act 1965.	Section 4(5).
1966 c. 38.	The Sea Fisheries Regulation Act 1966.	Section 5(1)(c).
1967 c. 69.	The Civic Amenities Act 1967.	Section 23(6)(a).
1967 c. 80.	The Criminal Justice Act 1967.	In Schedule 3, the entry relating to section 114 of the Burgh Police (Scotland) Act 1892, in the entry relating to section 22 of the Public Health (Scotland) Act 1897, the words “(as extended by section 1(5) of the Noise Abatement Act 1960)” and

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		the entries relating to sections 76(3), 94(2) and 95(1) (both as originally enacted and as applied by section 16(1) of the Clean Air Act 1956) of the Public Health Act 1936 and section 27(1) and (2) of the Clean Air Act 1956.
1968 c. 41.	The Countryside Act 1968.	Section 22(6)(c) and (8).
1972 c. 21.	The Deposit of Poisonous Waste Act 1972.	The whole Act.
1972 c. 70.	The Local Government Act 1972.	Section 180(3)(d) and (g).
		In section 236(2) the words “or 18”.
		In Schedule 14 in paragraph 4 the words “79, 80” and paragraphs 5 to 8 and 49.
1973 c. 37.	The Water Act 1973.	Section 17(1) to (4). Paragraph 5 of Schedule 2. Paragraph 63 of Schedule 8.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In section 135(3), the words from “and the said areas” to the end. Section 136. In Schedule 16, paragraphs 7 to 9. In Schedule 28, paragraph 69.

Status:

Point in time view as at 13/11/2007.

Changes to legislation:

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