

*Status: Point in time view as at 24/08/2018.*

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## SCHEDULES

### <sup>F1</sup> SCHEDULE 1

#### Textual Amendments

- F1** Sch. 1 repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [Sch. 3 para. 16\(2\)\(u\)](#); S.S.I. 2014/160, art. 2(1)(2), [Sch.](#)  
Sch. 1 omitted (E.W.) (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 13 para. 14](#); S.I. 2015/1732, art. 2(f)

### <sup>F2</sup> SCHEDULE 1A

#### Textual Amendments

- F2** Sch. 1A repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [Sch. 3 para. 16\(2\)\(v\)](#); S.S.I. 2014/160, art. 2(1)(2), [Sch.](#)

## SCHEDULE 2

Section 99.

### ALTERATION OF PENALTIES

#### *The Public Health (Scotland) Act 1897*

<sup>F3</sup><sub>1</sub> .....

#### Textual Amendments

- F3** Sch. 2 para. 1 repealed (1.4.1996) by [1995 c. 25](#), s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)

<sup>F4</sup><sub>2</sub> .....

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**Textual Amendments**

**F4** Sch. 2 para. 2 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

<sup>F5</sup>3 .....

**Textual Amendments**

**F5** Sch. 2 para. 3 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**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*

<sup>F6</sup>4 .....

**Textual Amendments**

**F6** Sch. 2 para. 4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

<sup>F7</sup>5 .....

**Textual Amendments**

**F7** Sch. 2 para. 5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

*The <sup>M1</sup>Public Health Act 1936*

**Marginal Citations**

**M1** 1936 c. 49.

[<sup>F8</sup>6 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**

**F8** Sch 2 para. 6 repealed (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3(1), 4(2), **Sch. 3 Pt.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)

[<sup>F9</sup>7 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—

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- “(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

**F9** 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)

[<sup>F10</sup> 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

**F10** 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)

[<sup>F11</sup> 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 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

**F11** 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)

[<sup>F12</sup> 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

**F12** Sch. 2 para. 10 repealed (E.W.) by [Building Act 1984](#) (c. 55, SIF 15), s. 133(2), **Sch. 7**

[<sup>F13</sup> 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”]

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#### Textual Amendments

**F13** 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](#)

[<sup>F14</sup>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

**F14** Sch. 2 para. 12 repealed (E.W.)(N.I.) by [Environmental Protection Act](#)

### *The <sup>M2</sup>Public Health (Drainage of Trade Premises Act 1937*

#### Marginal Citations

**M2** 1937 c. 40.

[<sup>F15</sup>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 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

**F15** 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](#)

[<sup>F16</sup>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

**F16** 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](#))

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### *The <sup>M3</sup>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.

[<sup>F17</sup>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.”]

#### **Textual Amendments**

**F17** 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. . . . . <sup>F18</sup>

#### **Textual Amendments**

**F18** Sch. 2 paras 17, 18 repealed by [Water \(Scotland\) Act 1980](#) (c. 45), **Sch. 11**

### *The Clean Air Act 1956*

<sup>F19</sup>19 . . . . .

#### **Textual Amendments**

**F19** Sch. 2 para. 19 repealed (27.8.1993) by [1993 c. 11](#), ss. 67(3), 68(2), **Sch. 6**

### *The Radioactive Substances Act 1960*

<sup>F20</sup>20 . . . . .

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**Textual Amendments**

**F20** Sch. 2 para. 20 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

*The <sup>M4</sup>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.
- 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*

<sup>F21</sup>26 .....

**Textual Amendments**

**F21** Sch. 2 para. 26 repealed (27.8.1993) by [1993 c. 11, ss. 67\(3\), 68\(2\)](#), [Sch. 6](#)

<sup>F22</sup>27 .....

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**Textual Amendments**

**F22** 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*

F23<sub>1</sub> .....

**Textual Amendments**

**F23** Sch. 3 paras. 1-4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

F23<sub>2</sub> .....

**Textual Amendments**

**F23** Sch. 3 paras. 1-4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

F23<sub>3</sub> .....

**Textual Amendments**

**F23** Sch. 3 paras. 1-4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

F23<sub>4</sub> .....

**Textual Amendments**

**F23** Sch. 3 paras. 1-4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

F24<sub>5</sub> .....

**Textual Amendments**

**F24** Sch. 3 para. 5 repealed by Salmon and Freshwater Fisheries Act 1975 (c. 51), s. 42(1), **Sch. 5**

*The<sup>M5</sup> Public Health Act 1936*

**Marginal Citations**

**M5** 1936 c. 49.

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- <sup>x1</sup><sup>F25</sup>6 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**

- F25** 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

- <sup>x2</sup>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.

*The <sup>M6</sup>Public Health (Drainage of Trade Premises) Act 1937*

**Marginal Citations**

- M6** [1937 c. 40.](#)

- <sup>x3</sup><sup>F26</sup>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**

- F26** 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)

- <sup>x4</sup><sup>F27</sup>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



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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

**F27** 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)

<sup>x5</sup>**F28**<sup>10</sup> 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

**F28** 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)

### *The <sup>M7</sup>Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951*

#### Marginal Citations

**M7** 1951 c. 26.

<sup>F29</sup>**F30**<sup>11</sup> .....

#### Textual Amendments

**F29** 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**

**F30** 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*

<sup>F31</sup><sup>12</sup> .....

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**Textual Amendments**

**F31** 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**

<sup>F32</sup>13 .....

**Textual Amendments**

**F32** 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**

<sup>x6</sup>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.

<sup>x7</sup>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”.

**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 <sup>M8</sup>Clean Air Act 1956*

**Marginal Citations**

**M8** 1956 c. 52.

<sup>F33</sup>16 .....

**Textual Amendments**

**F33** Sch. 3 para. 16 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch. 6**

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*The <sup>M9</sup>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 <sup>M10</sup>Public Health Act 1961*

**Marginal Citations**

**M10** 1961 c. 64

- <sup>F34</sup>18 .....

**Textual Amendments**

**F34** Sch. 3 para. 18 repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), **Sch. 23** (with reg. 72, Sch. 4)

*The <sup>M11</sup>London Government Act 1963*

**Marginal Citations**

**M11** 1963 c. 33.

- <sup>X8</sup><sup>F35</sup>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**

**X8** 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**

**F35** Sch. 3 para. 19 repealed (E.W.) by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**

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### The <sup>M12</sup>Water Resources Act 1963

#### Marginal Citations

**M12** 1963 c. 38.

- <sup>x9</sup><sub>F36</sub>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

**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

**F36** 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](#)

- <sup>x10</sup><sub>F37</sub>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 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

**F37** 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 ..... **F38**

#### Textual Amendments

**F38** Sch. 3 para. 22 repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 24 Pt. II](#)

### The <sup>M13</sup>Spray Irrigation (Scotland) Act 1964

#### Marginal Citations

**M13** 1964 c. 56.

- <sup>x11</sup>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

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<sup>M14</sup>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**

**X11** 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 <sup>M15</sup>Rivers (Prevention of Pollution) (Scotland) Act 1965*

**Marginal Citations**

**M15** 1965 c. 13.

<sup>X12</sup>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**

**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.

25 ..... **F39**

**Textual Amendments**

**F39** Sch. 3 para. 25 repealed by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\)](#), [Sch. 2](#)

*The <sup>M16</sup>Hovercraft Act 1968*

**Marginal Citations**

**M16** 1968 c. 59.

<sup>X13</sup>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”.

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#### 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.

#### *The Water Act 1973*

- [<sup>F40</sup>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

- F40** 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**

- <sup>X14</sup>[<sup>F41</sup>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

- X14** 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

- F41** 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**

- [<sup>F42</sup>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

- F42** 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**

- <sup>X15</sup>[<sup>F43</sup>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

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of Pollution) Act 1951) for the words “section 5 of the <sup>M17</sup>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

**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

**F43** 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.

PROSPECTIVE

### *The Local Government (Scotland) Act 1973*

<sup>F44</sup>31

#### Textual Amendments

**F44** Sch. 3 para. 31 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. X](#) Group 2

## <sup>X16</sup> SCHEDULE 4

Section 108.

### REPEALS

#### Editorial Information

**X16** 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.

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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).
[ <sup>F45</sup> 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 o r under”.
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).



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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.
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.

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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).
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”.

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		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 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.

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In Schedule 16, paragraphs 7 to 9.

In Schedule 28, paragraph 69.

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#### **Textual Amendments**

**F45** Sch. 4 entry 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

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