



Natural Heritage (Scotland) Act 1991

1991 CHAPTER 28

PART II

IRRIGATION

15 Power to control abstraction of water for irrigation.

- (1) The Secretary of State may, subject to the provisions of this section, make an order (referred to in this Part of this Act as a “control order”) to control the abstraction of water for irrigation.
- (2) The Secretary of State may make a control order only on the application of [^{F1}SEPA acting in pursuance of its duties under section 34(1) of the ^{M1}Environment Act 1995] or under a requirement made by the Secretary of State under subsection (3) below.
- (3) In the performance of his duties under section 1 of the ^{M2}Water (Scotland) Act 1980 or section 1(1) of the [^{F2}Rivers (Prevention of Pollution (Scotland) Act] 1951 with regard to the conservation of water and to the cleanliness of rivers, the Secretary of State may require [^{F3}SEPA] to apply for a control order if he considers that there is *prima facie* case for making such an order ^{F4}. . . .
- (4) A control order shall apply to all inland waters or ground waters within an area specified in the order (referred to in this Part of this Act as the “control area”).
- [^{F5}(5) A control area shall comprise an area or areas shown in a map or plan contained in the order.]
- (6) A control order shall relate to the abstraction of water for the purpose of irrigation—
 - (a) in any form; and
 - (b) for the benefit of any agricultural or horticultural activity which, in itself, is carried out on a commercial basis.
- (7) Schedule 5 shall have effect with regard to applications for, and the making, coming into operation and the validity of control orders.
- (8) The power to make a control order shall be exercisable by statutory instrument.

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, Section 15. (See end of Document for details)

(9) In this Part—

“closing date” means the date specified in a control order by which an application for a licence under section 17 of this Act should be made;

“control area” means the area, specified in the order, to which a control order applies;

“control order” means an order made under subsection (1) above;

“inland waters” and “ground waters” have the meanings given in paragraphs (c) and (d) respectively of section 30A(1) of the ^{M3}Control of Pollution Act 1974.

Textual Amendments

- F1** Words in s. 15(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 96(2)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in s. 15(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 96(2)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F3** Words in s. 15(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 96(2)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F4** Words in s. 15(3) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 96(2)(b), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F5** S. 15(5) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 96(2)(c)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

Commencement Information

- I1** S. 15 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, **Sch.**

Marginal Citations

- M1** 1995 c. 25.
M2 1980 c. 45.
M3 1974 c. 40.

Status:

Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, Section 15.