



# Environment Act 1995

## 1995 CHAPTER 25

### PART I

#### THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

### CHAPTER II

#### THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

#### *Other functions etc. of SEPA*

PROSPECTIVE

#### <sup>F1</sup>24 Consultation with respect to drainage works.

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#### Textual Amendments

**F1** S. 24 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **sch.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. 1** (with sch. Pt. 3)

#### 25 Assessing flood risk.

- (1) Without prejudice to section 92 of the <sup>M1</sup>Agriculture Act 1970 (provision of flood warning systems), SEPA shall have the function of assessing, as far as it considers it appropriate, the risk of flooding in any area of Scotland.

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- (2) If requested by a planning authority to do so, SEPA shall, on the basis of such information as it holds with respect to the risk of flooding in any part of the authority's area, provide the authority with advice as to such risk.

**Marginal Citations**

M1 1970 c. 40.

**26 Power of SEPA to purchase land compulsorily.**

- (1) The Secretary of State may authorise SEPA, for the purpose of any of its functions, to purchase land compulsorily.
- (2) The <sup>M2</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land under this section as if this section had been in force immediately before the commencement of that Act and, in relation to such purchase of land, SEPA shall be treated as if it were a local authority within the meaning of that Act.

**Marginal Citations**

M2 1947 c. 42.

**27 Power of SEPA to obtain information about land.**

- (1) Where, with a view to performing a function conferred on it by any enactment, SEPA considers that it ought to have information connected with any land, it may serve on one or more of the persons mentioned in subsection (2) below a notice—
- (a) specifying the land, the function and the enactment; and
  - (b) requiring the recipient of the notice to furnish to SEPA, within such period of not less than 14 days from the date of service of the notice as is specified in the notice—
    - (i) the nature of his interest in the land; and
    - (ii) the name and address of each person whom he believes is, as respects the land, a person mentioned in subsection (2) below.
- (2) The persons referred to in subsection (1) above are—
- (a) the occupier of the land;
  - (b) any person—
    - (i) who has an interest in the land as owner, creditor in a heritable security or lessee; or
    - (ii) who directly or indirectly receives rent for the land; and
  - (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it.
- (3) A person who—
- (a) fails to comply with the requirements of a notice served on him in pursuance of subsection (1) above; or

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(b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,  
shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## 28 Power of SEPA to promote or oppose private legislation.

- (1) SEPA may, where it is satisfied that it is expedient to do so—
- (a) with the consent of the Secretary of State, petition for the issue of a provisional order under the <sup>M3</sup>Private Legislation Procedure (Scotland) Act 1936; or
  - (b) oppose any private legislation in Parliament.
- (2) An application for the consent mentioned in paragraph (a) of subsection (1) above shall be accompanied by a concise summary of the purposes of the order petitioned for.
- (3) In paragraph (b) of subsection (1) above, “private legislation in Parliament” includes—
- (a) a provisional order and a Confirmation Bill relating to such an order; and
  - (b) any local or personal Bill.

### Marginal Citations

M3 1936 c. 52.

## 29 Procedure relating to making of byelaws.

The following provisions of the <sup>M4</sup>Local Government (Scotland) Act 1973—

- (a) section 202 (procedure etc. for byelaws);
- (b) section 202C (revocation of byelaws);
- (c) section 204 (evidence of byelaws),

shall apply in relation to SEPA as they apply in relation to a local authority, provided that in the application of the said section 202 to SEPA for subsection (13) there shall be substituted—

“(13) The Scottish Environment Protection Agency shall send a copy of any byelaws made by it to the proper officer of the local authority for any area to the whole or any part of which the byelaws will apply.”

### Marginal Citations

M4 1973 c. 65.

## 30 Records held by SEPA.

- (1) Subject to subsection (3) below—
- (a) this section applies to all records (in whatever form or medium)—
    - (i) transferred to and vested in SEPA by or under section 22 above;
    - (ii) created or acquired by it in the exercise of any of its functions; or
    - (iii) otherwise in its keeping;

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- (b) SEPA shall ensure that the records, other than such as are mentioned in paragraph (c) below, are preserved and managed in accordance with such arrangements as it, after consulting the Keeper of the Records of Scotland, shall put into effect;
  - (c) records which in SEPA's opinion are not worthy of preservation may be disposed of by it;
  - (d) SEPA may from time to time revise the arrangements mentioned in paragraph (b) above but before making any material change to those arrangements shall consult the Keeper; and
  - (e) SEPA—
    - (i) shall secure that the Keeper has, at all reasonable hours, unrestricted access to the records preserved by it;
    - (ii) may afford members of the public, free of charge or on payment of reasonable charges, facilities for inspecting and for obtaining copies or extracts from those records.
- (2) Nothing in subsection (1)(e)(ii) above permits infringement of copyright or contravention of conditions subject to which records are in SEPA's keeping.
- (3) Insofar as any provision of any enactment, being a provision which relates to records of a specific kind, is (but for this subsection) inconsistent with subsection (1) above, that subsection is subject to the provision in question.

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