



Environment Act 1995

1995 CHAPTER 25

PART I

THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

CHAPTER II

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

Transfer of functions, property etc. to SEPA

21 Transfer of functions to SEPA.

- (1) On the transfer date there shall by virtue of this section be transferred to SEPA—
- (a) the functions of river purification authorities, that is to say—
 - (i) [F¹their functions with respect to water resources under or by virtue of Part III of the Rivers (Prevention of Pollution) (Scotland) Act 1951 (in this Part referred to as “the 1951 Act”) and Part II of the Natural Heritage (Scotland) Act 1991;]
 - (ii) their functions with respect to water pollution under or by virtue of [F²Part III of the 1951 Act, the ^{M1}Rivers (Prevention of Pollution) (Scotland) Act 1965 and]Part II of the ^{M2}Control of Pollution Act 1974;
 - (iii) [F³their functions as enforcing authority, in relation to releases of substances into the environment, under or by virtue of Part I of the 1990 Act;]
 - (iv) [F⁴their functions with respect to flood warning systems under or by virtue of Part VI of the ^{M3}Agriculture Act 1970; and]
 - (v) the functions assigned to them by or under any other enactment apart from this Act;

Status: Point in time view as at 28/04/2022.

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- (b) the functions of waste regulation authorities, that is to say, the functions conferred or imposed on them by or under—
 - (i) the ^{M4}Control of Pollution (Amendment) Act 1989; or
 - (ii) Part II of the 1990 Act,
 or assigned to them by or under any other enactment apart from this Act;
 - (c) [^{F5}the functions of disposal authorities under or by virtue of sections 3 to 10, 16, 17(1)(a) and 17(2)(b) to (d) of the ^{M5}Control of Pollution Act 1974;]
 - (d) [^{F6}the functions of the chief inspector for Scotland constituted under section 16(3) of the 1990 Act, that is to say, the functions conferred or imposed on him by or under Part I of that Act or assigned to him by or under any other enactment apart from this Act;]
 - (e) [^{F7}the functions of the chief inspector for Scotland appointed under section 4(2)(b) of the ^{M6}Radioactive Substances Act 1993, that is to say, the functions conferred or imposed on him by or under that Act or assigned to him by or under any other enactment apart from this Act;]
 - (f) [^{F8}the functions conferred or imposed by or under the ^{M7}Alkali, &c, Works Regulation Act 1906 (in this section referred to as “the 1906 Act”) on the chief, or any other, inspector (within the meaning of that Act), so far as exercisable in relation to Scotland;]
 - ^{F9}(g)
 - (h) [^{F10}the functions of local authorities as enforcing authority, in relation to releases of substances into the air, under or by virtue of Part I of the 1990 Act; and]
 - (i) the functions of the Secretary of State specified in subsection (2) below.
- (2) The functions of the Secretary of State mentioned in subsection (1)(i) above are, so far as exercisable in relation to Scotland—
- ^{F11}(a)
 - (b) his functions under, or under regulations made by virtue of, section 9 of the 1906 Act (registration of works), other than any functions of his as an appellate authority or any function of making regulations;
 - (c) his functions under section 19 of the ^{M8}Clean Air Act 1993 with respect to the creation of smoke control areas by local authorities; and
 - (d) [^{F12}his functions under section 30(1) of the ^{M9}Radioactive Substances Act 1993 (power to dispose of radioactive waste).]
- ^{F13}(3)

Textual Amendments

- F1** S. 21(1)(a)(i) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 29\(2\)\(a\)\(i\)](#); S.S.I. 2014/160, art. 2(1)(2)
- F2** Words in s. 21(1)(a)(ii) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 29\(2\)\(a\)\(ii\)](#); S.S.I. 2014/160, art. 2(1)(2)
- F3** S. 21(1)(a)(iii) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 29\(2\)\(a\)\(i\)](#); S.S.I. 2014/160, art. 2(1)(2)
- F4** S. 21(1)(a)(iv) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 29\(2\)\(a\)\(i\)](#); S.S.I. 2014/160, art. 2(1)(2)
- F5** S. 21(1)(c) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 29\(2\)\(a\)\(iii\)](#); S.S.I. 2014/160, art. 2(1)(2)

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- F6** S. 21(1)(d) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 29(2)(a)(iii)**; S.S.I. 2014/160, art. 2(1)(2)
- F7** S. 21(1)(e) repealed (S.) (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, **sch. 7 para. 1 Table** (with reg. 78, sch. 5 para. 2)
- F8** S. 21(1)(f) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 29(2)(a)(iii)**; S.S.I. 2014/160, art. 2(1)(2)
- F9** S. 21(1)(g) repealed (26.2.2015) by The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), **6(2)(a)**
- F10** S. 21(1)(h) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 29(2)(a)(iii)**; S.S.I. 2014/160, art. 2(1)(2)
- F11** S. 21(2)(a) repealed (26.2.2015) by The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), **6(2)(b)**
- F12** S. 21(2)(d) repealed (S.) (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, **sch. 7 para. 1 Table** (with reg. 78, sch. 5 para. 2)
- F13** S. 21(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

Marginal Citations

- M1** 1965 c. 13.
- M2** 1974 c. 40.
- M3** 1970 c. 40.
- M4** 1989 c. 14.
- M5** 1974 c. 40.
- M6** 1993 c. 12.
- M7** 1906 c. 14.
- M8** 1993 c. 11.
- M9** 1993 c. 12.

22 Transfer of property, rights and liabilities to SEPA.

- (1) On the transfer date—
 - (a) the property, rights and liabilities of every river purification board shall, by virtue of this paragraph, be transferred to and vested in SEPA;
 - (b) any property, rights and liabilities which are the subject of a scheme under this section—
 - (i) made by the Secretary of State; or
 - (ii) made by a local authority and approved by the Secretary of State,
 shall be transferred to and vested in SEPA by and in accordance with the scheme.

- F14**(2)
- F14**(3)
- F14**(4)
- F14**(5)
- F14**(6)
- F14**(7)
- F14**(8)

- (9) Schedule 2 to this Act shall have effect in relation to transfers by or under this section.

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Textual Amendments

F14 S. 22(2)-(8) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 13**

23 Functions of staff commission.

[^{F15}The functions of the staff commission established under section 12 of the ^{M10}Local Government etc. (Scotland) Act 1994 shall include—

- (a) considering and keeping under review the arrangements for the transfer to SEPA, in consequence of this Act or of any scheme made under it, of staff employed by local authorities;
- (b) considering such staffing problems arising out of, consequential on or connected with any provision of, or scheme made under, this Act as may be referred to them by the Secretary of State or by any local authority;
- (c) advising the Secretary of State as to the steps necessary to safeguard the interests of the staff referred to in paragraph (a) above.]

Textual Amendments

F15 S. 23 repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **sch. 3 para. 29(3)**; S.S.I. 2014/160, art. 2(1)(2)

Marginal Citations

M10 1994 c. 39.

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