

Status: Point in time view as at 16/05/2017.

Changes to legislation: Environment Act 1995, Cross Heading: The Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 15 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)

SCHEDULES

SCHEDULE 22

MINOR AND CONSEQUENTIAL AMENDMENTS

The Natural Heritage (Scotland) Act 1991

- 96 (1) The ^{M1}Natural Heritage (Scotland) Act 1991 shall be amended in accordance with the following provisions of this paragraph.
- (2) [^{F1}In section 15—
- (a) in subsection (2) for the words “a river purification authority, acting in pursuance of their duties under section 17(1) of the Rivers (Prevention of Pollution) (Scotland) Act 1951” there shall be substituted the words “SEPA acting in pursuance of its duties under section 34(1) of the ^{M2}Environment Act 1995”;
 - (b) in subsection (3) for the words “said Act of” and “a river purification authority” where they first occur there shall be substituted the words “Rivers (Prevention of Pollution (Scotland) Act ” and “SEPA ” respectively and the words “and a river purification authority of whom such a requirement is made shall make such an application” shall cease to have effect;
 - (c) for subsection (5) there shall be substituted—

“(5) A control area shall comprise an area or areas shown in a map or plan contained in the order.”]
- (3) [^{F1}In section 17—
- (a) in subsection (1) for the words “A river purification authority” there shall be substituted the words “SEPA”;
 - (b) in subsection (3) for the words “A river purification authority”, “their” in both places where it occurs, “they” and “the authority” there shall be substituted the words “SEPA”, “its”, “it” and “SEPA” respectively.]

(4) [^{F1}In section 18—

 - (a) in subsection (1) for the words “a river purification authority” and “they” there shall be substituted the words “SEPA” and “it” respectively;
 - (b) in subsection (2) for the words “the river purification authority decide” there shall be substituted the words “SEPA decides”;
 - (c) in subsection (3) for the words “a river purification authority” and “the authority” there shall be substituted the words “SEPA” and “it” respectively;
 - (d) in subsection (4) for the words “the river purification authority declare” there shall be substituted the words “SEPA declares”;
 - (e) in subsection (5) for the words “A river purification authority” and “them” there shall be substituted the words “SEPA” and “it” respectively.]

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- (5) ^{F1}In section 24—
- (a) in subsection (1)—
 - (i) for the words “a river purification authority” there shall be substituted the words “SEPA ”; and
 - (ii) in paragraph (a), after the word “on” there shall be inserted the words “SEPA or ”; and
 - (b) in subsection (9)—
 - (i) for the words “a river purification authority or” there shall be substituted the words “SEPA or a ”; and
 - (ii) in paragraph (a), after the word “by” where it second occurs there shall be inserted the words “SEPA or ”.]
- (6) After section 26 there shall be inserted—

“26A Meaning of SEPA.

In this Act “SEPA” means the Scottish Environment Protection Agency.”

- (7) ^{F2}In Schedule 5—
- (a) in paragraph 1 for the words “the river purification authority concerned consider” there shall be substituted the words “SEPA considers ”;
 - (b) in paragraph 2 for the words “the river purification authority concerned” there shall be substituted the words “SEPA ” and the words “in their area and” shall cease to have effect;
 - (c) in paragraph 3 for the words “the river purification authority” and “their” wherever they occur there shall be substituted the words “SEPA ” and “ its ” respectively;
 - (d) in paragraphs 4 and 9 for the words “the river purification authority” wherever they occur there shall be substituted the words “SEPA ”.]
- (8) ^{F3}In Schedule 6—
- (a) in paragraph 1—
 - (i) in sub-paragraph (1) for the words “the river purification authority” there shall be substituted the words “SEPA ”;
 - (ii) in sub-paragraph (2) for the words “A river purification authority”, “them”, “the authority” and “their” there shall be substituted respectively the words “SEPA ”, “ it ”, “ it ” and “ its ” respectively;
 - (iii) in sub-paragraph (3) for the words “the river purification authority” there shall be substituted the words “SEPA ”;
 - (iv) in sub-paragraph (4) for the words “the river purification authority”, “the authority fail” and “their” there shall be substituted the words “SEPA ”, “ it fails ” and “ its ” respectively;
 - (v) sub-paragraph (5) shall cease to have effect;
 - (vi) in sub-paragraph (6) for the words “the river purification authority to whom the application has been made” there shall be substituted the words “SEPA ”;
 - (b) in paragraph 2—
 - (i) in sub-paragraph (1) for the words “the river purification authority” wherever they occur there shall be substituted the words “SEPA ”;

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- (ii) in sub-paragraphs (3) and (4) for the words “the river purification authority” wherever they occur there shall be substituted the words “SEPA”;
 - (iii) at the end there shall be added—
 - “(6) This paragraph is subject to section 114 of the Environment Act 1995 (delegation or reference of appeals etc).”;
 - (c) in paragraph 3—
 - (i) in sub-paragraph (1) for the words “A river purification authority” there shall be substituted the words “SEPA”;
 - (ii) in sub-paragraph (2) for the words “A river purification authority” and “they are” there shall be substituted the words “SEPA” and “it is” respectively;
 - (iii) in sub-paragraph (4) for the words “the river purification authority” there shall be substituted the words “SEPA”;
 - (iv) in sub-paragraph (5) for the words “the river purification authority” and “them” there shall be substituted the words “SEPA” and “it” respectively;
 - (v) in sub-paragraph (6) for the words “the authority fail to intimate their” and “the river purification authority” there shall be substituted the words “SEPA fails to intimate its” and “SEPA” respectively;
 - (d) in paragraph 4 for the words “A river purification authority” and “them” there shall be substituted the words “SEPA” and “it” respectively;
 - (e) in paragraph 5(2) for the words “the river purification authority” there shall be substituted the words “SEPA”.]
- (9) In Schedule 8, in paragraph 1—
- (a) for sub-paragraph (1) there shall be substituted—
 - “(1) Before making an application for a drought order, the applicant shall consult—
 - (a) SEPA, in a case where notice of the application is required to be served on it under this paragraph; and
 - (b) any district salmon fishery board on whom notice of the application is required to be served under this paragraph.”;
 - (b) in sub-paragraph (3), in the second column of the Table, in the fourth entry (relating to orders concerning the taking of water from a source or the discharge of water to a place), in paragraph (a) the words “, river purification authority” shall cease to have effect and at the end there shall be added—
 - “(c) SEPA.”;
 - (c) in sub-paragraph (3), in the second column of the Table, in the fifth entry (relating to orders which authorise the execution of any works) for the words “every river purification authority and” there shall be substituted the words “SEPA and every”.

Textual Amendments

- F1** Sch. 22 para. 96(2)-(5) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 29\(10\)\(d\)](#); S.S.I. 2014/160, art. 2(1)(2)
- F2** Sch. 22 para. 96(7) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 29\(10\)\(d\)](#); S.S.I. 2014/160, art. 2(1)(2)

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F3 Sch. 22 para. 96(8) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), sch. 3 para. 29(10)(d); S.S.I. 2014/160, art. 2(1)(2)

Marginal Citations

M1 1991 c. 56.

M2 1995 c. 25.

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