

*Status: Point in time view as at 01/05/1993.*

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## SCHEDULES

### FIRST SCHEDULE

Section 9

ENACTMENTS, OTHER THAN LOCAL ENACTMENTS, TO WHICH S. 9(1) APPLIES

#### PART I

ENGLAND AND WALES

1 Section two of the <sup>M1</sup>Sea Fisheries Regulation Act 1888.

#### Marginal Citations

**M1** 1888 c. 54.

2 Sections eight and fifty-nine of the <sup>M2</sup>Salmon and Freshwater Fisheries Act 1923.

#### Marginal Citations

**M2** 1923 c. 16.

3 The following provisions of the <sup>M3</sup>Public Health Act 1936, that is to say, sections <sup>F1</sup> . . . , <sup>F2</sup> . . . forty-eight, [<sup>F3</sup>seventy-nine], eighty-one, eighty-two . . . <sup>F4</sup> , . . . <sup>F4</sup> , and sections one hundred and forty-one, two hundred and fifty-nine and two hundred and sixty-one.

#### Textual Amendments

**F1** Words in Sch. 1 Pt. I para. 3 repealed (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

**F2** Words repealed (E.W.) by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

**F3** Words repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**

**F4** Words repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

#### Marginal Citations

**M3** 1936 c. 49.

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F5

4

**Textual Amendments**

**F5** Sch. 1 para. 4 repealed with saving by London Government Act 1963 (c. 33), s. 93(1)(2), **Sch. 18 Pt. II**

F6

**Textual Amendments**

**F6** Sch. 1 Pt. I para. 5 repealed (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with Sch. 2 paras. 10, 14(1), 15)

F7

**Textual Amendments**

**F7** Sch. 1 Pt. I para. 6 repealed (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with Sch. 2 paras. 10, 14(1), 15)

[<sup>F8</sup> Sections two, five and seven of the <sup>M4</sup>Rivers (Prevention of Pollution) Act 1951.]

**Textual Amendments**

**F8** Para. 7 repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**

**Marginal Citations**

**M4** 1951 c. 64.

8 Sections ten . . . <sup>F9</sup>of the <sup>M5</sup>Clean Air Act 1956.

**Textual Amendments**

**F9** Words repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

**Marginal Citations**

**M5** 1956 c. 52.

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F10

8A

**Textual Amendments**

**F10** Para. 8A was added by [Water Resources Act 1963 \(c. 38\)](#). Sch. 13 para. 11 which addition is no longer applicable by virtue of the repeal of that Sch. 13 para. 11 by [Control of Pollution Act 1974 \(c. 40, SIF 46:4\)](#), s. 108, [Sch. 4](#) and S.I. 1985/70, art. 2(1), [Sch.](#)

[<sup>F11</sup>8AA The Planning (Hazardous Substances) Act 1990]

**Textual Amendments**

**F11** Sch. 1 Pt. I para. 8AA inserted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 7](#) (subject to a contingent saving (temp.) in Sch. 4 para. 17)

[<sup>F12</sup>8B Sections 43 and 44 of the Control of Pollution Act 1974.]

**Textual Amendments**

**F12** Sch. 1 Pt. I para. 8B inserted by S.I. 1976/959, [reg. 4](#)

[<sup>F13</sup>8C The Control of Pollution (Special Waste) Regulations 1980.]

**Textual Amendments**

**F13** Sch. 1 Pt. I para. 8C inserted by S.I. 1980/1709, [reg. 3\(2\)](#)

[<sup>F14</sup>8D Section 59 of the Building Act 1984.]

**Textual Amendments**

**F14** Sch. 1 Pt. I para. 8D inserted at end of Pt. I by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(1), [Sch. 6 para. 7](#)

[<sup>F15</sup>8E The following provisions of the Control of Pollution Act 1974, namely, section 31(1) to (3), (7) and (9), and sections 32, 34 to 42, 51, 54 and 55.]

**Textual Amendments**

**F15** Sch. 1 Pt. I para. 8E added by S.I. 1985/708, [reg. 4\(1\)](#), [Sch. 2 para. 1](#) (which S.I. is revoked (S.) (2.12.1991) by S.I. 1991/2539, [reg. 5](#))

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[<sup>F16F17</sup>8F .....]]

**Textual Amendments**

- F16** Sch. 1 Pt. I para. 8F inserted by [Water Act 1989](#) (c. 15, SIF 130), **ss. 58(7)**, 101(1), 141(6), 160(1)(2)(4), 189(4)–(10) 190, 193(1), Sch. 25 para. 27(4)(b) Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F17** Sch. 1 Pt. I para. 8F repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I** (with Sch. 2 paras. 10, 14(1), 15)

[<sup>F18</sup>8G Sections 104, 106, 107, 110, 113, 115 and 117 to 120 of the Water Act 1989.]

**Textual Amendments**

- F18** By the insertion of para. 8G, Sch. 1 to this Act is modified (E.W.) by [S.I. 1989/1158](#), **art. 4**

[<sup>F19X1</sup>9 Part III of the Environmental Protection Act 1990.]

**Editorial Information**

- X1** Sch. 1 para. 9 is repealed by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), ss. 105, 162(2), Sch. 5 para. 19(1)(a), **Sch. 16 Part V** and in Part I at the end a new para. 9 is inserted by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 8**

**Textual Amendments**

- F19** In Part I at the end para. 9 inserted by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 8**

[<sup>F20</sup>9AA Sections 72, 111 and 113(6) and Chapter III of Part IV of the Water Industry Act 1991 and paragraphs 2 to 4 of Schedule 8 to that Act so far as they re-enact provisions of sections 43 and 44 of the Control of Pollution Act 1974]

**Textual Amendments**

- F20** Sch. 1 Pt. I para. 9AA inserted at the end and numbered (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 9(1)**

[<sup>F21</sup>9AB Sections 82, 84, 85, 86, 87(1), 88(2), 92, 93, 99, 161, 190, 202, 203 and 213 of the Water Resources Act 1991.]

**Textual Amendments**

- F21** Sch. 1 Pt. I para. 9AB inserted at the end and numbered (E.W.)(1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 9(1)**

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[<sup>F22</sup>9AC Section 18 of the Water Act 1945 so far as it continues to have effect by virtue of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 or by virtue of provisions of the Control of Pollution Act 1974 not having been brought into force]

#### Textual Amendments

**F22** Sch. 1 Pt. I para. 9AC inserted at the end and numbered (E.W.)(1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 9(1)**

## PART II

### SCOTLAND

*F23*

x29

#### Editorial Information

**X2** Sch. 1 para. 9 is repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 105, 162(2), Sch. 5 para. 19(1)(a), **Sch. 16 Part V** and in Part I at the end a new para. 9 is inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 8**

#### Textual Amendments

**F23** Sch. 1 para. 9 is repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 105, 162(2), Sch. 5 para. 19(1)(a), **Sch. 16 Part V**

[<sup>F24</sup>9A The Control of Pollution (Special Waste) Regulations 1980.]

#### Textual Amendments

**F24** Sch. 1 Pt. II para. 9A inserted by S.I. 1980/1709, **reg. 3(2)**

[<sup>F25</sup>9B The following provisions of the Control of Pollution Act 1974, namely, section 31(1) to (3), (7) and (9), and sections 32, 34 to 42, 51, 54 and 55.]

#### Extent Information

**E1** This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only.

#### Textual Amendments

**F25** Sch. 1 Pt. II para. 9B added by S.I. 1985/708, **reg. 4(1)**, **Sch. 2 para. 2** (which S.I. is revoked (S.) (2.12.1991) by S.I. 1991/2539, **reg. 5**)

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[<sup>F49</sup>9B Sections 30A, 30B, 30D, 31(1) to (5) and (7) to (10), 31A, 32, 34 to 42, 46, 53, 55 and 56(1) to (4) of the Control of Pollution Act 1974.]

**Textual Amendments**

**F49** Sch. 1 Pt. II para. 9B substituted (S.) (2.12.1991) by S.I. 1991/2539, regs. 1,4

*F26* .....

10

**Textual Amendments**

**F26** Sch. 1 para. 10 repealed by Sewerage (Scotland) Act 1968 (c. 47), Sch. 2

*F27* .....

11

**Textual Amendments**

**F27** Sch. 1 Pt. II para. 11 repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 105, 162(2), Sch. 5 para. 19(1)(a), Sch. 16 Part V

*F28* .....

12

**Textual Amendments**

**F28** Sch. 1 Pt. II para. 12 repealed by Inshore Fishing (Scotland) Act 1984 (c. 26, SIF 52:1), s. 10, Sch. 2

13 The following provisions of the <sup>M6</sup>Public Health (Scotland) Act 1897, that is to say, sections sixteen, seventeen, thirty-two, forty-one, forty-two, one hundred and sixteen . . . <sup>F29</sup>

**Textual Amendments**

**F29** Words repealed by Sewerage (Scotland) Act 1968 (c. 47), Sch. 2

**Marginal Citations**

**M6** 1897 c. 38.

14 Sections [<sup>F30</sup>70, 71 and 75] of the <sup>M7</sup>Water (Scotland) Act [<sup>F30</sup>1980]

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**Textual Amendments**

**F30** Words substituted by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), s. 112(1), **Sch. 10 Pt. II**

**Marginal Citations**

**M7** [1980 c. 45](#).

15 Sections twenty-two, twenty-five and twenty-eight of the <sup>M8</sup>Rivers Prevention of Pollution) (Scotland) Act 1951.

**Modifications etc. (not altering text)**

**C1** [Para. 15](#) repealed (prosp.) by [Control of Pollution Act 1974 \(c. 40\)](#), s. 109(2), **Sch. 4**

**Marginal Citations**

**M8** [1951 c. 66](#).

16 Sections ten and sixteen of the <sup>M9</sup>Clean Air Act 1956.

**Marginal Citations**

**M9** [1956 c. 52](#).

[<sup>F31</sup>17 [The Sewerage \(Scotland\) Act 1968](#)]

**Textual Amendments**

**F31** [Para. 17](#) inserted (S.) at end of Part II by [Sewerage \(Scotland\) Act 1968 \(c. 47\)](#), **Sch. 1 para. 4**

[<sup>F32</sup>17A [Section 201 of the Local Government \(Scotland\) Act 1973](#).]

**Textual Amendments**

**F32** [Sch. 1 Pt. III paras. 17A, 17B](#) inserted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 105, **Sch. 5** para, 19(1)(b)

<sup>F33</sup>17B [Section 124 of the Civic Government \(Scotland\) Act 1982](#).

**Textual Amendments**

**F33** [Sch. 1 Pt. III paras. 17A, 17B](#) inserted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 105, **Sch. 5** para, 19(1)(b)

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[<sup>F34</sup>17A Sections 56A to 56N and 97B of the Town and Country Planning (Scotland) Act 1972.]

**Textual Amendments**

**F34** Sch. 1 Pt. II para. 17A inserted (1.5.1993) (S.) by Housing and Planning Act 1986 (c. 63, SIF 8), ss. 37, 57(2), **Sch. 7 Part II para. 1**; S.I. 1993/273, **art. 5(2)**

**PART III**

NORTHERN IRELAND

**Modifications etc. (not altering text)**

**C2** Sch. 1 Part III amended (N.I.) by Clean Air Act (Northern Ireland) 1964 (c. 16), **Sch. 4**, Fisheries Act (Northern Ireland) 1966 (c. 17), **Sch. 7**, Water Act (Northern Ireland) 1972 (c. 5), **s. 31(1)** and S.I. 1973/70 (N.I. 2), **Sch. 3**

<sup>F35</sup> .....

17

**Textual Amendments**

**F35** Sch. 1 Pt. III paras. 17, 19 repealed by Fisheries Act (Northern Ireland) 1966 (c. 17), s. 210, **Sch. 7**

<sup>F36</sup> .....

18

**Textual Amendments**

**F36** Sch. 1 Pt. III para. 18 repealed by S.I. 1978/1049 (N.I. 19), **Sch. 7**

<sup>F37</sup> .....

19

**Textual Amendments**

**F37** Sch. 1 Pt. III paras. 17, 19 repealed by Fisheries Act (Northern Ireland) 1966 (c. 17), s. 210, **Sch. 7**

<sup>F38</sup> .....

20



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**Textual Amendments**

**F38** Sch. 1 Pt. III para. 20 repealed by Water Act (Northern Ireland) 1972 (c. 5), s. 31(1)

21 The following provisions of the <sup>M10</sup>Public Health (Ireland) Act 1878, that is to say, sections fifty, fifty-one, [<sup>F39</sup>fifty-four,]fifty-eight, [<sup>F40</sup>fifty-nine,]one hundred and seven, one hundred and twenty-nine . . . <sup>F41</sup>.

**Textual Amendments**

**F39** Words repealed (*prosp.*) (N.I.) by S.I. 1978/1049 (N.I. 19), art. 1(2), Sch. 7

**F40** “fifty-nine” repealed (N.I.) by S.I. 1978/1049 (N.I. 19), Sch. 7

**F41** Words repealed by Clean Air Act (Northern Ireland) 1964 (c. 16), s. 44(1), Sch. 4

**Marginal Citations**

**M10** 1878 c. 52.

22 [<sup>F42</sup>Section] twenty-six of the <sup>M11</sup>Public Health Acts Amendment Act 1890.

**Textual Amendments**

**F42** Word substituted by S.I. 1973/70 (N.I. 2), art. 60(1), Sch. 3 para. 1(a)

**Marginal Citations**

**M11** 1890 c. 59.

<sup>F43</sup>  
.....

23

**Textual Amendments**

**F43** Sch. 1 Pt. III paras. 23, 25 repealed by S.I. 1978/1049 (N.I. 19), Sch. 7

24 Sections thirty-five, forty-six, forty-nine and fifty-one of the <sup>M12</sup>Public Health Acts Amendment Act 1907.

**Marginal Citations**

**M12** 1907 c. 53.

<sup>F44</sup>  
.....

25

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#### Textual Amendments

**F44** Sch. 1 Pt. III paras. 23, 25 repealed by S.I. 1978/1049 (N.I. 19), Sch. 7

26 Any enactment which may be passed by the Parliament of Northern Ireland for purposes similar to those of section ten or section sixteen of the <sup>M13</sup>Clean Air Act 1956.

#### Marginal Citations

**M13** 1956 c. 52.

[<sup>F45X3</sup>27 Sections 26, 47 and 124 of the Fisheries Act (Northern Ireland) 1966]

#### Editorial Information

**X3** Sch. 1 Pt. III para. 27: inserted (N.I.) by Fisheries Act (Northern Ireland) 1966 (c. 17), s. 20, Sch. 7 and a further para. 27 is inserted by S.R. 1981/252, reg. 4(2)

#### Textual Amendments

**F45** Sch. 1 Pt. III para. 27 inserted (N.I.) after para. 26 by Fisheries Act (Northern Ireland) 1966 (c. 17), s. 20, Sch. 7

[<sup>F46X4</sup>27 The Pollution Control (Special Waste) Regulations (Northern Ireland) 1981.]

#### Editorial Information

**X4** Sch. 1 Pt. III para. 27: inserted (N.I.) by Fisheries Act (Northern Ireland) 1966 (c. 17), s. 20, Sch. 7 and a further para. 27 is inserted by S.R. 1981/252, reg. 4(2)

#### Textual Amendments

**F46** Sch. 1 Pt. III para. 27 inserted by S.R. 1981/252, reg. 4(2)

[<sup>F47</sup>28 Articles 53 to 63 and 81 of the Planning (Northern Ireland) Order 1991.]

#### Textual Amendments

**F47** Sch. 1 Pt. III para. 28 added (N.I.) (24.9.1990) at the end of Sch. 1 by S.I. 1990/1510, art. 30, Sch. 1 Pt. I and, by S.I. 1991/1220 (N.I. 11), art. 133(2), Sch. 6, that art. 30 and Sch. 1 Pt. I were repealed (28.1.1991) and by art. 133(1), Sch.5 of that 1991 S.I. a new para. 28 was substituted for para. 28

[<sup>F48</sup>29 Article 34 of the Water and Sewerage Services (Northern Ireland) Order 1973]

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### Textual Amendments

**F48** Sch. 1 Pt. III para. 29 there is inserted (N.I.) after para. 28 by S.I. 1973/70 (N.I. 2), art. 60(1), Sch. 3 para. 1(b)

## SECOND SCHEDULE

Section 12.

### EXERCISE OF RIGHTS OF ENTRY AND INSPECTION

- 1 A person entering upon any premises in the exercise of any power conferred by this Act shall, if so required, produce written evidence of his authority before entering thereon.
- 2 Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person for the purpose of exercising a power conferred by this Act in respect thereof, the justice, subject to the next following paragraph, may by warrant under his hand authorise that person to enter upon the premises.
- 3 A justice of the peace shall not grant a warrant under the last preceding paragraph in respect of any premises unless he is satisfied—
  - (a) that admission to the premises, for the purpose of exercising the power in question, was sought after not less than seven days' notice of the intended entry had been given to the occupier; or
  - (b) that admission to the premises for that purpose was sought in a case of emergency and was refused by or on behalf of the occupier; or
  - (c) that the premises are unoccupied; or
  - (d) that an application for admission to the premises would defeat the object of the entry:

Provided that, in relation to premises to which subsection (2) of section twelve of this Act applies, the reference in sub-paragraph (a) of this paragraph to seven days shall be construed as a reference to twenty-four hours.
- 4 Every warrant granted under this Schedule shall continue in force until the purpose for which the entry is required has been satisfied.
- 5 Any person who, in the exercise of a power conferred by this Act, enters any premises which are unoccupied, or premises of which the occupier is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.
- 6 Before a person carries out any test on any premises, in the exercise of any power conferred by this Act, he shall consult with such persons having duties on the

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premises as may appear to him appropriate in order to secure that the carrying out of the test does not create any danger.

- 7 Any power of entry conferred by this Act shall, if exercised under the authority of a warrant granted under this Schedule, or in a case of emergency, but not in any other case, include power to enter, if need be, by force.
- 8 Any power of entry, or of carrying out tests or inspections, or of obtaining or taking away samples, conferred on any person by this Act may be exercised by him either alone or together with any other persons.
- 9 In this Schedule any reference to a case of emergency shall be construed in accordance with subsection (9) of section twelve of this Act.

### THIRD SCHEDULE

Section 18.

#### SPECIFIED ELEMENTS

Element	Microcuries per gramme		
	Solid	Liquid	Gas or vapour
1. Actinium	$1 \times 10^{-5}$ ;	$2 \times 10^{-6}$ ;	$7 \times 10^{-11}$
2. Lead	$2 \times 10^{-5}$ ;	$1 \times 10^{-7}$ ;	$3 \times 10^{-9}$ ;
3. Polonium	$1 \times 10^{-5}$ ;	$7 \times 10^{-7}$ ;	$6 \times 10^{-9}$ ;
4. Protoactinium	$1 \times 10^{-5}$ ;	$9 \times 10^{-7}$ ;	$3 \times 10^{-11}$
5. Radium	$1 \times 10^{-5}$ ;	$1 \times 10^{-8}$ ;	$1 \times 10^{-9}$ ;
6. Radon			$1 \times 10^{-6}$ ;
7. Thorium	$7 \times 10^{-5}$ ;	$1 \times 10^{-6}$ ;	$6 \times 10^{-10}$ ;
8. Uranium	$3 \times 10^{-4}$ ; -	$2 \times 10^{-5}$ ;	$2 \times 10^{-9}$ ;

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