



# Rivers (Prevention of Pollution) (Scotland) Act 1951

## 1951 CHAPTER 66

### PART III

#### PREVENTION OF POLLUTION

##### *River Purification Authorities*

#### **17 River purification authorities**

- (1) It shall be the duty of the authorities specified in the next following subsection (in this Act referred to as " river purification authorities ") to promote the cleanliness of the rivers and other inland waters and the tidal waters in their areas, to conserve so far as practicable the water resources of their areas and to exercise for those purposes the functions conferred on them by this Act.
- (2) The authorities referred to in the foregoing subsection are—
  - (a) in relation to any area in which a river purification board are entitled under this Act to exercise functions, that board; and
  - (b) in relation to any other area, the council of the county or large burgh within whose district the area is situate.

#### **18 Provision and obtaining of information**

- (1) For the purpose of enabling them to perform the functions conferred on them a river purification authority may make surveys of their area and gauge and keep records of the flow or volume and other characteristics of any stream in their area, and may take steps for the measurement and recording of the rainfall in their area or any part thereof and for the installation and maintenance for these purposes of gauges or other apparatus and works connected therewith, and may take such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.

- (2) The Secretary of State may give directions requiring any river purification authority to exercise all or any of the powers conferred on them by the foregoing subsection and to furnish to him such information obtained in pursuance of the directions at such times and in such form as may be specified in the directions, and it shall be the duty of the authority to comply with any directions so given.
- (3) Every river purification authority shall give reasonable facilities for the inspection of records kept by them of the rainfall or the flow or volume of any stream in their area and for the taking of copies or extracts from such records, and such facilities shall be available free of charge to all local authorities whose districts are wholly or partly included in the area of the river purification authority and shall be available to other persons on payment of such fees as may be approved by the Secretary of State.
- (4) A river purification authority may give directions requiring any person who in their opinion is abstracting water from any stream in the area of the authority in quantities which are substantial in relation to the flow or volume of the stream or is discharging effluents into any such stream to give such information as to the abstraction or discharge at such times and in such form as may be specified in the directions :
- Provided that any person to whom such directions are given may, if he considers the directions are unreasonable or unduly onerous, make representations to the Secretary of State with respect thereto, and the Secretary of State may thereupon, if he thinks fit, require the river purification authority to revoke or modify the said directions, and the river purification authority shall comply with the requirements of the Secretary of State.
- (5) Any person who fails to comply with any directions given under the last foregoing subsection within such time as may be specified in the directions shall in respect of each such failure be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for each day on which the failure continues after conviction therefor.

## **19 Power to take samples of effluents**

- (1) A river purification authority shall have a right to obtain and take away samples of water from any stream or of any effluent which is passing from any land or vessel into any stream in the area of the authority.
- (2) The result of any analysis of a sample taken under this section shall not be admissible as evidence in any legal proceedings in respect of any effluent passing from any land or vessel unless the following requirements have been complied with, that is to say, the person taking the sample shall forthwith notify to the occupier of the land or vessel his intention to have it analysed and shall there and then divide the sample into three parts, shall cause each part to be placed in a container which shall be sealed up and marked, and shall—
- (a) deliver one part to the occupier of the land or vessel;
  - (b) retain one part for future comparison;
  - (c) if he thinks fit to have an analysis made, submit one part to an analyst:

Provided that, if it is not reasonably practicable forthwith to comply with the aforesaid requirement as to notification, the said requirement and the other requirements aforesaid shall be complied with as soon as reasonably practicable

- (3) Notwithstanding anything in this Act, any tidal waters adjoining the shore of the area of a river purification authority shall be deemed to be included in the expression "stream" for the purposes of the authority's powers under this section.

## **20 Powers of entry and inspection**

- (1) Subject to the provisions of this section, any person authorised by a river purification authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter any land—
- (a) for the purpose of exercising any functions of the authority;
  - (b) for the purpose of determining whether, and if so in what manner, any such functions are to be exercised or whether any provision of this Act or any notice, order, direction, byelaw or authorisation served, given, made or granted under this Act is being or has been complied with.
- (2) The right conferred by the foregoing subsection shall, without prejudice to the generality thereof, be exercisable for the purpose of inspecting any local Acts, statutory orders, records or other documents in the possession of any body relating to functions of that body which are or have been exercisable in the area of the authority, being documents which the authority may reasonably require to inspect for the purpose of exercising any of their functions under this Act, and the person carrying out any such inspection shall have a right to take copies of or extracts from any such documents.
- (3) Admission to any land used for residential purposes shall not be demanded as of right under this section unless twenty-four hours' notice of the intended entry has been given to the occupier.
- (4) If it is shown to the satisfaction of the sheriff on sworn information in writing—
- (a) that admission to any land to which any person is entitled to enter under this section has been refused to that person, or that refusal is apprehended, or that the land is unoccupied, or that the case is one of urgency, or that an application for admission will defeat the object of the entry; and
  - (b) that there is reasonable ground for entry on the land for the purpose for which entry is required,

the sheriff may by warrant under his hand authorise that person to enter the land:

Provided that such a warrant shall not be issued unless the sheriff is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the land is unoccupied, or that the case is one of urgency, or that the giving of such a notice would defeat the object of the entry; and any warrant so issued shall be expressed to remain in force for such period only as the sheriff, having regard to all the circumstances of the case, shall fix.

- (5) Any person entitled to enter any land by virtue of any right of entry under this section may take with him such other persons as may be necessary, and on leaving any unoccupied land which he has entered by virtue of such a right shall leave it as effectually secure against unauthorised entry as he found it.
- (6) If—
- (a) any person, who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or work place, discloses otherwise than in the performance of his duty to any person any information

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*Status: This is the original version (as it was originally enacted).*

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obtained by him in the factory or work place with regard to any manufacturing process or trade secret; or

- (b) any member or officer of a river purification authority, to whom by reason of his official position any information obtained as aforesaid is disclosed, discloses otherwise than in the performance of his duty that information to any person,

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

- (7) The provisions of this section shall apply in relation to vessels as they apply in relation to land.

## **21 Penalty for obstruction**

Any person who wilfully obstructs any person exercising a right conferred by this Act to enter any land or any vessel or to carry out any inspection or survey or to make copies of or extracts from any document or to obtain and take away samples shall in respect of each offence be liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.