

SCHEDULES

FIRST SCHEDULE

Sections 3, 5, 29 and 34.

PROCEDURE FOR MAKING ORDERS AND PROVISIONS AS TO THE VALIDITY OF ORDERS

PART I

Procedure for making orders

- 1 Before making an order to which this Schedule applies the Secretary of State shall, after consultation with any river purification board concerned and with the council of every county or large burgh whose district is comprised wholly or partly in the area affected by the order, prepare a draft order, and shall publish once in the Edinburgh Gazette and once at least in each of two successive weeks in one or more local newspapers circulating in the area affected by the draft order a notice—
 - (a) stating the general effect of the draft, order;
 - (b) specifying a place in or near the said area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours; and
 - (c) specifying the time (not being less than twenty-eight days) within which and the manner in which objections to the draft order may be made.
- 2 Not later than the date on which the notice aforesaid is first published, the Secretary of State shall serve a copy of the said notice and of the draft order on any river purification board concerned and on the council of every county or large burgh whose district is comprised wholly or partly in the area affected by the order, on the fishery district board of every fishery district so comprised and on any navigation authority or harbour authority exercising functions in relation to any stream in that area.
- 3 The Secretary of State shall, at the request of any person interested, furnish him with a copy of the draft order on payment of such charge not exceeding two shillings as the Secretary of State thinks reasonable.
- 4 The Secretary of State may make the order either in the terms of the draft or in those terms as modified in such manner as he thinks fit, but, where he proposes to make any modification and considers that persons other than those to whom the draft order relates may be adversely affected thereby, he shall give and publish additional notices in such manner as he thinks best adapted for informing all persons likely to be affected by the modification proposed.
- 5 If before the expiration of the time specified under paragraph 1 of this Schedule or before the expiration of any period specified in notices given under the last-foregoing paragraph an objection is duly received by the Secretary of State from any body on whom notice is required to be served under paragraph 2 of this Schedule or from any person appearing to him to be affected by the order, or, as the case may

be, by the proposed modification, and the objection is not withdrawn, the Secretary of State before making the order shall cause a local inquiry to be held.

6 On the making of an order to which this Schedule applies, the Secretary of State shall, if an objection has been duly made by any person under the foregoing provisions of this Schedule and has not been withdrawn, give notice of the making of the order and of the effect thereof to every person who has made such an objection which has not been withdrawn, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice ; and if within that period any such person gives notice to the Secretary of State that he objects to the order and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

7 In this Part of this Schedule, the expression " area affected by the order " means—

- (a) in the case of an order defining or altering any river purification board area the river purification board area as proposed to be defined or altered by the order ;
- (b) in the case of an order establishing or varying the constitution of a river purification board for a river purification board area, that river purification board area;
- (c) in the case of an order made under section twenty-nine of this Act, the area of the river purification authority to which the waters proposed to be affected by the order are adjacent; and
- (d) in the case of an order made under section thirty-four of this Act, the area to which the local enactment proposed to be affected by the order applies.

PART II

Provisions with respect to the validity of orders not confirmed by Parliament

8 After the making of an order, the Secretary of State shall publish in the Edinburgh Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has been made and naming a place where a copy thereof may be seen at all reasonable hours :

Provided that in the case of an order to which paragraph 6 of this Schedule applies the said notice shall not be published until the expiration of the period of twenty-eight days referred to in that paragraph, and the notice shall state whether or not the order is subject to special parliamentary procedure.

9 (1) If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may within six weeks after the date of the first publication of the said notice make an application for the purpose to the Court of Session, and on any such application the Court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid, may quash the order either generally or in so far as it affects the applicant; but except as aforesaid the order shall not at any time be questioned in any proceedings whatsoever:

Provided that this paragraph shall not apply to an order which is confirmed by Act of Parliament under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act, and shall have effect in relation

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to any other order which is subject to special parliamentary procedure by virtue of paragraph 6 of this Schedule as if for the reference to the date of the publication of the notice there were substituted a reference to the date on which the order becomes operative under the said Act.

- (2) Except by leave of the Court of Session no appeal shall lie to the House of Lords from a decision of the Court of Session under this paragraph.

SECOND SCHEDULE

Section 29.

TIDAL WATERS TO WHICH THIS ACT APPLIES

- 1 The tidal waters of the Firth of Clyde (including the waters of Holy Loch, Loch Goil, Loch Long and Gareloch) to the north and east of an imaginary line drawn across the Firth of Clyde in a westerly direction from Cloch Point in the County of Renfrew to Castle Hill, Dunoon, in the County of Argyll and of any stream flowing into those waters.
- 2 The tidal waters of the Firth of Forth west of an imaginary line drawn across the Firth of Forth in a southerly direction from Kincaig Point in the County of Fife to Gullane Point in the County of East Lothian and of any stream flowing into those waters.

THIRD SCHEDULE

Section 36.

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

- 1 (1) Any proceedings begun before the coming into operation of Part III of this Act for the enforcement of the provisions of the Rivers Pollution Prevention Act, 1876, or of the corresponding provisions of any local enactment, may be carried on, and any order made in any such proceedings (whether before or after the coming into operation of the said Part III) shall continue in force, and any further proceedings may be taken by virtue of or in relation to any order so made as if this Act had not passed.
- (2) Subsection (2) of section twenty-three of this Act shall apply to any order made in any such proceedings as are mentioned in the foregoing sub-paragraph as it applies to an order made under subsection (1) of that section.
- 2 Any person who, within three months after the date on which section twenty-eight of this Act comes into operation in any area, brings into use in that area any new or altered outlet for the discharge of trade or sewage effluent to a stream or begins to make in that area any new discharge of trade or sewage effluent to a stream shall be deemed for the purposes of the said section twenty-eight to do so with the consent of the river purification authority.
- 3 Paragraphs 2 and 19 of the First Schedule to the Water (Scotland) Act, 1946 (which Schedule relates to the procedure to be followed in connection with the making and approval of certain orders and agreements under that Act) shall, in relation to an order under section twenty-one of that Act for the taking of water from any stream so as to affect the flow thereof and in relation to any order under section eighty-eight of that Act repealing or amending a local enactment relating to the supply of water by a local water authority so as to affect the flow of any stream, have effect as

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if among the persons to whom notice of the proposal to make the order is required to be given there were included the river purification authority within whose area the stream affected is situate.

FOURTH SCHEDULE

Section 36.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
20 & 21 Vict. c. clxviii.	The Tweed Fisheries Act, 1857.	Sections sixty-five and sixty-six, except in relation to tidal waters to which this Act does not apply.
25 & 26 Vict. c. 97.	The Salmon Fisheries (Scotland) Act, 1862.	Section thirteen, except in relation to tidal waters to which this Act does not apply.
39 & 40 Vict. c. 75.	The Rivers Pollution Prevention Act, 1876.	The whole Act except sections one and seven and so much of section twenty-one as relates to section seven.
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	Section fifty-five.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section two hundred and twenty-two, the words from "it shall not be lawful " to " any source and and the words from " and every person who " to the end of the section. In section two hundred and thirty-three, the words " river or inland lock or public reservoir or dock".
56 & 57 Vict. c. 31.	The Rivers Pollution Prevention Act, 1893.	The whole Act.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	In section one hundred and sixteen the words "river stream ditch" and the words "or other channel".

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Tweed Fisheries Act, 1857	20 & 21 Vict. c. clxviii
Salmon Fisheries (Scotland) Act, 1862	25 & 26 Vict. c. 97.

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Short Title	Session and Chapter
Rivers Pollution Prevention Act, 1876	39 & 40 Vict. c. 75.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5. & 1 Edw. 8 c. 52.
Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6 c. 69.
Statutory Orders (Special Procedure) Act, 1945	9 & 10 Geo. 6. c. 18.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.