

SCHEDULE 3 MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 6

MODIFICATIONS OF REFERENCES TO “ENACTMENT” ETC.

Control of Pollution Act 1974

- 39 (1) The Control of Pollution Act 1974 is amended as follows.
- (2) In section 73 (interpretation and other supplementary provisions), after subsection (3) insert—
- “(3A) In the definition of “statutory undertakers” in subsection (1), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (3) In section 85 (appeals to Crown Court or Court of Session against decisions of magistrates’ court or sheriff), after subsection (3) add—
- “(4) In subsection (2), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (4) In section 105 (interpretation etc. – general), in subsection (2)(b), after “private” add “or by or under any Act of the Scottish Parliament”.

Environmental Protection Act 1990

- 40 (1) The Environmental Protection Act 1990 is amended as follows.
- (2) In section 33 (prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste), after subsection (10) add—
- “(11) In subsection (4)(c) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (3) In section 57 (powers of the Scottish Ministers to require waste to be accepted, treated, disposed of or delivered), after subsection (7) insert—
- “(7A) In subsection (6) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (4) In section 63 (waste other than controlled waste), after subsection (4) add—
- “(5) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (5) In section 73 (appeals and other provisions relating to legal proceedings and civil liability), after subsection (9) add—
- “(10) In subsection (2) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (6) In section 78X (supplementary provisions), after subsection (4) insert—

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- “(4A) In subsection (4)(f)(i) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (7) In section 79 (statutory nuisances and inspections therefor), after subsection (6A) insert—
- “(6B) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (8) In section 98 (definitions for Part 6), after subsection (6), insert—
- “(6A) In subsection (6) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (9) In section 140 (power to prohibit or restrict the importation, use, supply or storage of injurious substances or articles), in subsection (11), before the definition of “the environment” insert—
- ““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;”.
- (10) In Schedule 4 (abandoned shopping and luggage trolleys), after paragraph 1(2) add—
- “(3) In sub-paragraph (2)(d) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.

Natural Heritage (Scotland) Act 1991

- 41 (1) The Natural Heritage (Scotland) Act 1991 is amended as follows.
- (2) In section 7 (powers of entry), after subsection (11) add—
- “(12) In subsection (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (3) In Schedule 1 (constitution and proceedings of Scottish Natural Heritage), after paragraph 17(2) add—
- “(3) In sub-paragraph (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.

Radioactive Substances Act 1993

- 42 (1) The Radioactive Substances Act 1993 is amended as follows.
- (2) In section 40 (radioactivity to be disregarded for purposes of certain statutory provisions), in subsection (3)—
- (a) in the definition of “statutory provision”, in paragraph (a), after “Act” insert “or Act of the Scottish Parliament”,
- (b) in the definition of “local enactment”—
- (i) after paragraph (a) insert—
- “(aa) an Act of the Scottish Parliament the Bill for which was a private Bill for the purposes of the standing orders of the Scottish Parliament,”.

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- (ii) in paragraph (b), after “by”, where it second occurs, insert “the Scottish Parliament.”.
- (3) In section 46 (effect of Act on other rights and duties), in paragraph (b)—
 - (a) the words from “any”, where it second occurs, to the end of that paragraph become sub-paragraph (i) of that paragraph,
 - (b) after that sub-paragraph insert—
 - “(ii) any Act of the Scottish Parliament, or”.

Environment Act 1995

- 43 (1) The Environment Act 1995 is amended as follows.
- (2) In section 27 (power of SEPA to obtain information about land), after subsection (3) add—
 - “(4) In subsection (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (3) In section 30 (records held by SEPA), after subsection (3) add—
 - “(4) In subsection (3) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (4) In section 37 (incidental general functions), after subsection (8) insert—
 - “(8A) In subsection (8) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (5) In section 38 (delegation of functions by Ministers etc. to new Agencies), in subsection (10) after the definition of “eligible function” insert—
 - ““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;”.
- (6) In section 40 (ministerial directions to the new Agencies), after subsection (8) add—
 - “(9) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (7) In section 43 (incidental power of the new Agencies to impose charges)—
 - (a) the existing text becomes subsection (1) of that section,
 - (b) after that subsection add—
 - “(2) In subsection (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (8) In section 53 (inquiries and other hearings), after subsection (3) add—
 - “(4) In subsections (1) and (3) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (9) In section 87 (regulations for the purposes of Part 4), after subsection (9) add—
 - “(10) In subsection (5)(c) above, “enactment” includes an enactment comprised in an Act of the Scottish Parliament.”.

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- (10) In section 108 (powers of enforcing authorities and persons authorised by them), in subsection (15)—
- (a) in the definition of “pollution control enactments” at the end add “(including any enactments comprised in, or in instruments made under, an Act of the Scottish Parliament relating to those functions).”;
 - (b) in the definition of “pollution control functions” in relation to the Scottish Ministers, after “instrument” insert “(including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament)”.
- (11) In section 113 (disclosure of information), in subsection (5), after the definition of “new Agency” insert—
- ““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (12) In section 122 (directions), after subsection (5) insert—
- “(6) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (13) In Schedule 6 (the Scottish Environment Protection Agency), in paragraph 15, after sub-paragraph (2) add—
- “(3) In sub-paragraph (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (14) In Schedule 11 (air quality: supplemental provisions), in paragraph 5, after sub-paragraph (6) add—
- “(7) In the definition of “fixed penalty offence” in sub-paragraph (6) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.

Flood Risk Management (Scotland) Act 2009

- 44 Section 78 of the Flood Risk Management (Scotland) Act 2009 (SEPA’s power to obtain information about land) is repealed.