

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE 6

PART 1

Powers

1. To enter at any reasonable time (or, in an emergency, at any time) any premises which that person has reason to believe it is necessary to enter.

Commencement Information

I1 Sch. 6 para. 1 in force at 1.4.2006, see [reg. 1\(2\)](#)

2. On entering any premises by virtue of paragraph 1, to take—
- (a) any other person duly authorised by SEPA and, if the authorised person has reasonable cause to apprehend any serious obstruction in the execution of that person’s duty, a constable; and
 - (b) any equipment or materials required for any purpose for which the power of entry is being exercised.

Commencement Information

I2 Sch. 6 para. 2 in force at 1.4.2006, see [reg. 1\(2\)](#)

3. To make such examination and investigation as may in the circumstances be necessary.

Commencement Information

I3 Sch. 6 para. 3 in force at 1.4.2006, see [reg. 1\(2\)](#)

4. As regards any premises which that person has power to enter, to direct that those premises or any part of them, or anything in them, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under paragraph 3.

Commencement Information

I4 Sch. 6 para. 4 in force at 1.4.2006, see [reg. 1\(2\)](#)

5. To take such measurements and photographs and make such recordings as that person considers necessary for the purpose of any examination or investigation under paragraph 3.

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I5 Sch. 6 para. 5 in force at 1.4.2006, see [reg. 1\(2\)](#)

6. To obtain and to take samples, or cause samples to be taken, of any articles or substances found in or on any premises which that person has power to enter, and of the air, water or land in, on, or in the vicinity of, the premises.

Commencement Information

I6 Sch. 6 para. 6 in force at 1.4.2006, see [reg. 1\(2\)](#)

- 7.** To monitor—
- (a) the water environment or any part of it; or
 - (b) the carrying on of controlled activities.

Commencement Information

I7 Sch. 6 para. 7 in force at 1.4.2006, see [reg. 1\(2\)](#)

8. To take steps for the measurement and recording of precipitation.

Commencement Information

I8 Sch. 6 para. 8 in force at 1.4.2006, see [reg. 1\(2\)](#)

9. To install and maintain gauges, or other apparatus and works connected therewith, for any of the purposes mentioned in paragraphs 7 and 8.

Commencement Information

I9 Sch. 6 para. 9 in force at 1.4.2006, see [reg. 1\(2\)](#)

10. To take such steps as may be necessary in order to obtain any information required for any of the purposes mentioned in paragraphs 7 or 8.

Commencement Information

I10 Sch. 6 para. 10 in force at 1.4.2006, see [reg. 1\(2\)](#)

11. In the case of any article or substance found in or on any premises which that person has power to enter, being an article or substance which appears to that person to have, or be likely to have, a significant adverse impact on the water environment, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it, unless that is necessary).

Commencement Information

I11 Sch. 6 para. 11 in force at 1.4.2006, see [reg. 1\(2\)](#)

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12. In the case of any such article or substance as is mentioned in paragraph 11, to take possession of it and detain it for so long as is necessary for all or any of the following purposes namely:

- (a) to examine it, or cause it to be examined, and to do, or cause to be done, to it anything which that person has power to do under that paragraph;
- (b) to ensure that it is not tampered with before examination of it is completed;
- (c) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations or in any other proceedings relating to a variation notice, revocation or suspension notice or enforcement notice under these Regulations.

Commencement Information

I12 Sch. 6 para. 12 in force at 1.4.2006, see [reg. 1\(2\)](#)

13.—(1) Subject to sub paragraph (2), to require any person whom he has reasonable cause to believe has any information relevant to any examination or investigation under paragraph 3 to answer such questions as the authorised person thinks fit to ask.

(2) The person referred to in sub paragraph (1) may only be required to answer such questions in the absence of persons other than—

- (a) a person nominated by that person to be present; and
- (b) any person whom the authorised person may allow to be present.

Commencement Information

I13 Sch. 6 para. 13 in force at 1.4.2006, see [reg. 1\(2\)](#)

14. To require the production of, or where the information is recorded electronically, the furnishing of extracts from, any records which are—

- (a) required to be kept under these Regulations ; or
- (b) necessary for that person to see for the purposes of an examination or investigation under paragraph 3,

and to inspect and take copies of, or of any entry in, the records.

Commencement Information

I14 Sch. 6 para. 14 in force at 1.4.2006, see [reg. 1\(2\)](#)

15. To require any person to afford such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred by this regulation.

Commencement Information

I15 Sch. 6 para. 15 in force at 1.4.2006, see [reg. 1\(2\)](#)

16. To carry out borings or other works on any premises and to install, keep or maintain monitoring or other apparatus there.

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I16 Sch. 6 para. 16 in force at 1.4.2006, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- Instrument appl by [S.S.I. 2006/133 reg 3](#)
- Regulations revoked by [S.S.I. 2011/209 reg. 58\(1\)\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 16 words substituted by [S.S.I. 2009/420 reg. 4\(7\)](#)
- Sch. 8 para. 1(v)(w) inserted by [S.S.I. 2009/420 reg. 4\(9\)\(b\)](#)
- reg. 10(A1) inserted by [S.S.I. 2009/420 reg. 4\(4\)\(a\)](#)
- reg 15A added by [S.S.I. 2006/553 reg 2](#)