



Control of Pollution Act 1974

1974 CHAPTER 40

PART II

POLLUTION OF WATER

Supplemental

^{F1}55

Textual Amendments

F1 S. 55 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 29(28), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

[^{F2}55A Regulations under this Part.

Regulations made under this Part of this Act may provide that any provision of this Part, except this section ^{F3}..., shall have effect with such modifications as may be prescribed for the purpose of enabling Her Majesty's Government in the United Kingdom—

- (a) to give effect to any [^{F4}EU] obligation or exercise any related right; or
- (b) to give effect to any obligation or exercise any related right under any international agreement to which the United Kingdom is for the time being a party,

and “related right”, in relation to an obligation, includes any derogation or other right to make more onerous provisions available in respect of that obligation.]

Textual Amendments

F2 S. 55A inserted (1.10.1991) by Natural Heritage (Scotland) Act 1991 (c. 28), s. 27(1), **Sch. 10 para. 7(3)**; S.I. 1991/2187, **art. 3, Sch.**

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Cross Heading: Supplemental. (See end of Document for details)

- F3** Words in s. 55A repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [Sch. 3 para. 16\(5\)](#); S.S.I. 2014/160, art. 2(1)(2), Sch.
- F4** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)(5))

[^{F5}56 Interpretation etc. of Part II.

(1) Except where the context otherwise requires, in this Part of this Act—
“agriculture” and “agricultural” have the same meanings as in the Agriculture (Scotland) Act ^{M1} 1948;

[^{F6}“controlled waters” has the meaning] given by section 30A(1) above;

[^{F7}“drain” has the same meaning as in the ^{M2}Sewerage (Scotland) Act 1968;]

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[^{F7}“sewer” has the same meaning as in the Sewerage (Scotland) Act 1968;]

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“underground strata” means strata subjacent to the surface of any land;

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“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers, and passages through which water flows except mains and other pipes which belong to [^{F10}Scottish Water] or are used by [^{F11}Scottish Water] or any other person for the purposes only of providing a supply of water to any premises.

(2) In this Part of this Act—

- (a) any reference to the waters of any loch or pond or of any river or watercourse includes a reference to the bottom, channel or bed of any loch, pond, river or, as the case may be, watercourse which is for the time being dry; and
- (b) any reference to water contained in underground strata is a reference to water so contained otherwise than in a sewer, pipe, reservoir, tank or other underground works constructed in any such strata.

^{F12}(3)

^{F13}(4)

^{F14}(5)

^{F15}(6)]

Textual Amendments

- F5** S. 56 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#) and substituted (S.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 168, 189(4)-(10), 190, 193(1), Sch. 23 para. 6, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58, [Sch. 27 Pt. I](#)

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- F6** Words in s. 56(1) substituted (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(a)(i)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F7** Definitions in s. 56(1) inserted (1.4.1996) by 1995 c. 25, s. 106, **Sch. 16 para. 8** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F8** Words in s. 56(1) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(a)(ii)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F9** Words in s. 56(1) repealed (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, **Sch. para. 4(4)(a)**
- F10** Words in s. 56(1) substituted (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, **Sch. para. 4(4)(b)(i)**
- F11** Words in s. 56(1) substituted (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, **Sch. para. 4(4)(b)(ii)**
- F12** S. 56(3) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(b)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F13** S. 56(4) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 29(28), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F14** S. 56(5) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(b)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F15** S. 56(6) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(6)(b)**; S.S.I. 2014/160, art. 2(1)(2), Sch.

Modifications etc. (not altering text)

- C1** S. 56(1)-(4) extended (2.12.1991) by S.I. 1991/2539, reg. 3, **Sch.**
S. 56(1)-(4) amended (27.8.1993) by 1993 c. 12, ss. 40, 51(3), **Sch. 3 Pt. II para. 16** (with ss. 42, 46)
- C2** S. 56(1)(2) restricted (S.) (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, **Sch. 8 para. 39(2)(a)(v)** (with reg. 78, Sch. 5 para. 2)

Marginal Citations

- M1** 1948 c.45(2:1).
M2 1968 c. 47.

Changes to legislation:

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