SCHEDULES

SCHEDULE 25

MINOR AND CONSEQUENTIAL AMENDMENTS

The Control of Pollution Act 1974 (c. 40)

48 (1) In section 2(3)(a) of the Control of Pollution Act 1974 (duty of a disposal authority to consult various bodies in preparing or revising a waste disposal plan), for sub-paragraph (i) there shall be substituted the following sub-paragraph—

"(i) the National Rivers Authority, and".

(2) In section 3 of that Act (prohibition on unlicensed disposal of waste), after subsection (4) there shall be inserted the following subsection—

"(5) In this section and subsections (5) and (6) of the following section "land" includes land covered with waters where the land is above the low-water mark of ordinary spring tides and the waters are not inland waters (within the meaning of Chapter I of Part III of the Water Act 1989)."

(3) In section 5(4) of that Act (duty imposed on disposal authority where it proposes to issue disposal licence)—

(a) in paragraph (a), for the words "any water authority whose area includes any part of the relevant land" there shall be substituted the words "the National Rivers Authority"; and

(b) in the words following paragraph (b), for the words "a water authority to which the proposal is referred" there shall be substituted the words "the National Rivers Authority".

(4) In section 11 of that Act (special provisions for land occupied by disposal authorities)—

(a) in subsection (3)—

(i) in paragraph (c), for the words "any water authority whose area includes any of the land in question" there shall be substituted the words "the National Rivers Authority";

(ii) in paragraph (d), for the words "a water authority," there shall be substituted the words "the National Rivers Authority, a";

(b) in subsection (5), for the words "a water authority" there shall be substituted the words "the National Rivers Authority";

(c) in subsection (9), for the words from the beginning to the word "request" there shall be substituted the words "If it appears to the National Rivers Authority that activities to which a resolution in pursuance of this section relates are causing or are likely to cause pollution to controlled waters, the National Rivers Authority may, without prejudice to the provisions of the preceding subsection or of Chapter I of Part III of the Water Act 1989, request"; and

(d) for subsection (11) there shall be substituted the following subsection—

"(11) In this section—

(a) "land" has the same meaning as in section 3 of this Act; and

(b) "controlled waters" has the same meaning as in Chapter I of Part III of the Water Act 1989."

(5) In section 14 of that Act (disposal of waste in England and Wales)—

(a) in subsection (9), for the words "water authority", wherever they occur, there shall be substituted the words "sewerage undertaker";

(b) in subsection (10)—

(i) for the words "water authority", in both places where they occur, there shall be substituted the words "sewerage undertaker"; and

(ii) for the words "the authority" there shall be substituted the words "the undertaker";

and

(c) for subsection (11) there shall be substituted the following subsection—

"(11) For the purposes of so much of the Water Act 1989 as relates to charging by sewerage undertakers the reception and disposal by a sewerage undertaker or other person of matter delivered to it or him by another sewerage undertaker in pursuance of subsection (9) of this section shall be treated as a service provided for that other undertaker by the sewerage undertaker in the course of carrying out its functions."

(6) In section 28(1) of that Act (supplementary provisions relating to pipes), for the words "21(4) or 26" there shall be substituted the words "or 21(4)".

(7) In section 62(2)(a) of that Act (exceptions to restrictions on the use of loudspeakers in a street), for the words "a water authority" there shall be substituted the words "the National Rivers Authority, a water undertaker or a sewerage undertaker".

(8) In section 73(1) of that Act (interpretation of Part III of that Act), in the definition of "statutory undertakers", for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

(9) In section 90(2) of that Act (establishment charges and interest in respect of certain expenses of authorities), for the words from the beginning to "any other" there shall be substituted the words "Where a sum is payable to a".

(10) For section 95 of that Act there shall be substituted the following section—

"**95 Service of documents on and by certain undertakers**

Section 187 of the Water Act 1989 (service of documents) shall apply for the purposes of the service of any document required or authorised by virtue of this Act to be served on or by a water undertaker or sewerage undertaker as it applies for the purposes of the service of any document required or authorised by virtue of that Act to be served on or by any person."

(11) In section 98 of that Act (interpretation of Part V of that Act), in the definition of "relevant authority", after the words "Middle Temple" there shall be inserted the words "and, for the purposes of sections 91 to 93 of this Act, a sewerage undertaker".