



# Natural Heritage (Scotland) Act 1991

## 1991 CHAPTER 28

### PART II

#### IRRIGATION

#### 15 Power to control abstraction of water for irrigation

- (1) The Secretary of State may, subject to the provisions of this section, make an order (referred to in this Part of this Act as a “control order”) to control the abstraction of water for irrigation.
- (2) The Secretary of State may make a control order only on the application of a river purification authority, acting in pursuance of their duties under section 17(1) of the Rivers (Prevention of Pollution) (Scotland) Act 1951 or under a requirement made by the Secretary of State under subsection (3) below.
- (3) In the performance of his duties under section 1 of the Water (Scotland) Act 1980 or section 1(1) of the said Act of 1951 with regard to the conservation of water and to the cleanliness of rivers, the Secretary of State may require a river purification authority to apply for a control order if he considers that there is a *prima facie* case for making such an order and a river purification authority of whom such a requirement is made shall make such an application.
- (4) A control order shall apply to all inland waters or ground waters within an area specified in the order (referred to in this Part of this Act as the “control area”).
- (5) A control area shall not extend beyond the area of the river purification authority on whose application the order has been made and it shall comprise an area or areas within, or the whole of, the authority’s area as shown in a map or plan contained in the order.
- (6) A control order shall relate to the abstraction of water for the purpose of irrigation—
  - (a) in any form; and
  - (b) for the benefit of any agricultural or horticultural activity which, in itself, is carried out on a commercial basis.

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*Status: This is the original version (as it was originally enacted).*

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(7) Schedule 5 shall have effect with regard to applications for, and the making, coming into operation and the validity of control orders.

(8) The power to make a control order shall be exercisable by statutory instrument.

(9) In this Part—

“closing date” means the date specified in a control order by which an application for a licence under section 17 of this Act should be made;

“control area” means the area, specified in the order, to which a control order applies;

“control order” means an order made under subsection (1) above;

“inland waters” and “ground waters” have the meanings given in paragraphs (c) and (d) respectively of section 30A(1) of the Control of Pollution Act 1974.