



Natural Heritage (Scotland) Act 1991

1991 CHAPTER 28

PART III

DROUGHT

22 Interpretation, transitional provisions and savings.

(1) In this Part of this Act—

“compensation water” means water which [^{F1}Scottish Water]. . . is under an obligation to discharge into a river, stream, brook, or other running water or into a canal as a condition of performing [^{F1}its] functions;

“drought order” means, subject to subsection (3) below, any order made under section 20 of this Act;

“emergency drought order” means an order made under subsection (2) of section 20 of this Act;

“inland navigation” includes any canal or navigable river;

“land” includes buildings and other structures, land covered with water, and any ^{F2}. . . interest, servitude or right in or over land;

“ordinary drought order” means an order made under subsection (1) of section 20 of this Act,

and any other expression which is used in this Part of this Act and is defined in section 109 of the ^{M1}Water (Scotland) Act 1980 shall have the same meaning in this Part as it is given in that section.

(2) In this Part of this Act—

(a) references to the taking of water include references to the collection, impounding, diversion or appropriation of water; and

(b) references to an obligation or to a restriction include references to an obligation or, as the case may be, to a restriction which is imposed by or under any enactment or agreement.

(3) An order made under section 77 or 78 of the Water (Scotland) Act 1980 which is in force at the commencement of this Part of this Act shall continue to have effect and

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Changes to legislation: There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, Section 22. (See end of Document for details)

shall be treated as if it were made under this Part; and references in this Part to a drought order shall include such an order.

- (4) Where an application for an order under section 77 or 78 of that Act of 1980 has been made but not determined at the commencement of this Part of this Act, the application shall be deemed to be an application for an order under this Part and any thing duly done before the commencement of this Part for the purposes of an application for an order under these sections shall be deemed to have been duly done for the purposes of an application under this Part and the proceedings on the application shall be continued accordingly.
- (5) Without prejudice to section 17(2) of the ^{M2}Interpretation Act 1978, references in any enactment other than in this Act to an order made under section 77 or 78 of that Act of 1980, or to an application for such an order, shall be construed as references to a drought order made under section 20 of this Act, or to an application for such an order.

Textual Amendments

- F1** Words in definition of “compensation water” in s. 22(1) substituted (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 22(3)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F2** Word in s. 22(1) repealed (28.11.2004) by 2000 asp 5, ss. 76(1), 77, Sch. 12 Pt. 1 para. 53(2), **Sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
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Commencement Information

- I1** s. 22 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, **art. 3, Sch.**
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Marginal Citations

- M1** 1980 c. 45.
- M2** 1978 c. 30.

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