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STATUTORY INSTRUMENTS

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**1993 No. 1155 (S.172)**

**WATER SUPPLY, SCOTLAND**

**The Control of Pollution (Registers)  
(Scotland) Regulations 1993**

<i>Made</i>	- - - -	<i>31st March 1993</i>
<i>Laid before Parliament</i>		<i>28th April 1993</i>
<i>Coming into force</i>	- -	<i>19th May 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 41, 104(1)(a) and 105(1) of the Control of Pollution Act 1974((1)) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and extent**

1. These Regulations may be cited as the Control of Pollution (Registers) (Scotland) Regulations 1993, shall come into force on 19th May 1993 and shall extend to Scotland only.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“the Act” means the Control of Pollution Act 1974 and any reference in these Regulations to a numbered section is a reference to that section of the Act;

“map reference”, in relation to any place, means the group of two letters and six or more figures representing the map co-ordinates of the place referred to on the grid of the national reference system used by the Ordnance Survey on its maps and plans;

“relevant event” means the service, making, giving or issue of such notice, application, consent or certificate as is referred to in section 41(1)(a), (b), (c) or (e) as the case may be; and

“the register”, in relation to any river purification authority, means the register which it is the duty of that authority to maintain in pursuance of section 41(1).

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(1) 1974 c. 40; section 41 was substituted, and section 104(1) amended, by the Water Act 1989 (c. 15), Schedule 23, paragraphs 4 and 7 respectively; section 105(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

### **General provisions as to entries in the register**

3.—(1) The register shall be so indexed as to enable information relating to a particular discharge or to a particular place to be traced and the index may contain a map.

(2) Subject to regulation 7(2), entries shall be made within 28 days of the relevant event.

(3) Every entry contained in the register shall state the date on which that entry was first included in the register.

(4) Where particulars of any place are required by these Regulations to be included in an entry in the register, those particulars shall include the map reference of the place (or of a point within that place) unless the place is otherwise readily identifiable.

(5) Entries shall be kept in the register for a period of five years from their date of entry; and thereafter for so long as the information provided by the entry may be necessary for the exercise of the river purification authority's functions in respect of the control of pollution.

### **Notices served under section 30C**

4. The particulars to be included in the register in respect of notices served under section 30C (water quality objectives) are—

(a) in the case of a notice served under section 30C(1)—

- (i) the date of the notice;
- (ii) the waters to which the notice relates;
- (iii) the classification applicable to those waters; and
- (iv) the date specified in relation to that classification;

(b) in the case of a notice served under section 30C(4)—

- (i) the Secretary of State's proposal; and
- (ii) the period within which representations or objections may be made; and

(c) in the case of a notice served under section 30C(6), the date specified in the notice.

### **Applications for consent**

5. The particulars to be included in the register in respect of applications for consents under Part II of the Act (other than section 40(4)) are—

- (a) the name of the applicant;
- (b) the date on which the application was received by the authority or the Secretary of State, as the case may be, and, where the Secretary of State has given a direction under section 35(1) of the Act, the date on which the application was transmitted to him;
- (c) the proposal to which the application relates; and
- (d) a copy of the information which, in compliance with a requirement imposed by virtue of section 34(1) by the authority or the Secretary of State, as the case may be, accompanied or supplemented the application.

### **Consents and conditions**

6.—(1) The particulars to be included in the register in respect of consents given in pursuance of Part II of the Act and the conditions to which such consents are subject are—

- (a) the name of the person to whom the consent is given;

- (b) the date of the consent and, if different from the date of the consent, the date on which it and any condition to which it is subject came into or comes into force;
- (c) the place at which the discharge is being or is to be made or, in the case of a consent given for the purposes of section 31(3) or 49, the activity is to take place;
- (d) particulars of any conditions to which the consent is subject;
- (e) particulars of any period specified under section 38;
- (f) the provision under which the consent is given or is deemed to have been given and, if given or deemed to have been given by the Secretary of State, a statement to that effect;
- (g) particulars of any notice served in relation to the consent.

(2) Where a consent has been given or a notice served by the authority in compliance with a direction given by the Secretary of State under section 35(4), 37(2) or 39(4), the register shall include a statement to that effect.

### **Samples of effluent and water**

7.—(1) The particulars to be included in the register in respect of the samples of effluent and water referred to in section 41(1)(d) are—

- (a) the date and time of day when the sample was taken;
- (b) the place where the sample was taken;
- (c) the result of the analysis of the sample; and
- (d) the steps (if any) taken by the authority or by the islands council, as the case may be, in consequence of the result of any such analysis.

(2) The particulars required by paragraph (1)(c) shall be entered on the register not later than two months after the day on which the sample was taken and the other particulars required by paragraph (1) shall be entered as soon as practicable.

### **Certificates issued under section 42 (exemption from disclosure)**

8. The register shall contain, with respect to every certificate issued by the Secretary of State under section 42—

- (a) the name of the person or islands council to whom the certificate is issued, and the date of the certificate;
- (b) the place to which the relevant application, consent, sample or information relates; and
- (c) a statement of the things mentioned in section 42(1)(a) to which the provisions of sections 36(1) and 41(1)(b) to (d) are not to apply.

### **Inspection by the public**

9. The date prescribed under section 41(2)(a) as the date after which river purification authorities are to secure that registers maintained by them in pursuance of section 4 1(1) are open to inspection by the public free of charge at all reasonable hours is 19th May 1993.

### **Revocation**

10. The Control of Pollution (Registers) Regulations 1985((2)) are hereby revoked.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
31st March 1993

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland only, prescribe the particulars of the matters required by section 41 of the Control of Pollution Act 1974 to be included in the registers maintained by river purification authorities. Those matters include applications for discharge consents, consents relating to the removal of deposits and vegetation and to discharges and the conditions to which they are subject, and certificates of exemption. The Regulations also require inclusion in the registers of the results of analysis of samples of effluent and water taken by authorities and of effluent taken by islands councils from their own discharges.

Section 41(2) of the Control of Pollution Act 1974 requires each river purification authority to secure that the registers are open to inspection by the public free of charge at all reasonable hours. It also requires them to afford members of the public reasonable facilities for obtaining copies of entries in the register on payment of reasonable charges.

These Regulations supersede the Control of Pollution (Registers) Regulations 1985 which are revoked.