
STATUTORY INSTRUMENTS

1996 No. 973 (S.104)

ENVIRONMENTAL PROTECTION

The Environment Act 1995 (Consequential and Transitional Provisions) (Scotland) Regulations 1996

<i>Made</i>	- - - -	<i>28th March 1996</i>
<i>Laid before Parliament</i>		<i>29th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 120(1) and (5) of the Environment Act 1995⁽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 Environment Act 1995 (Consequential and Transitional Provisions) (Scotland) Regulations 1996, shall come into force on 1st April 1996 and, other than paragraph 11 of the Schedule, shall extend to Scotland only.

Amendment of legislation

2. The legislation mentioned in the Schedule to these Regulations shall have effect with the amendments there specified (being amendments consequential on the coming into force of the provisions of the Environment Act 1995).

Control of Pollution Act 1974

3.—(1) Subject to paragraph (2) below, subsections (5A) to (5C) of section 39 of the Control of Pollution Act 1974⁽²⁾ shall apply in respect of a reference under subsection (1)(b) of that section which is pending on 1st April 1996 as those subsections apply in respect of such a reference made on or after that date.

(2) In the case of a reference under section 39(1)(b) of the Control of Pollution Act 1974 which is pending on 1st April 1996, subsection (5B) of that section shall have effect as if the reference in that subsection to the notice effecting the revocation, modification or provision in question were

(1) 1995 c. 25.

(2) 1974 c. 40; section 39 was substituted by paragraph 4 of Schedule 23 to the Water Act 1989 (c. 15); subsections (5A) to (5C) are inserted by paragraph 29(15)(c) of Schedule 22 to the Environment Act 1995.

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a reference to a notice served by SEPA on the holder of the consent in question no later than 14th April 1996.

St Andrew's House,
Edinburgh
28th March 1996

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE

Regulation 2

The Pipe-lines Act 1962

1. In section 37 of the Pipe-lines Act 1962⁽³⁾ (notification of accidents)—
 - (a) in subsection (1)—
 - (i) in paragraph (b) the words “river purification authorities” shall cease to have effect; and
 - (ii) after that paragraph there shall be inserted the following:—

“(bb) to the Scottish Environment Protection Agency;”;
 - (b) in subsection (2)(b)—
 - (i) the words “river purification authority,” shall cease to have effect; and
 - (ii) after the words “water authority”, there shall be inserted “or the Scottish Environment Protection Agency”; and
 - (c) subsection (4)(b) shall cease to have effect.

The Harbours Act 1964

- 2.—(1) The Harbours Act 1964⁽⁴⁾ shall be amended as follows.
- (2) In section 57(1) (interpretation) the definition of “river purification authority” shall cease to have effect.
- (3) In section 58 (construction of references to harbour authority)⁽⁵⁾ for the words “a river purification authority” there shall be substituted “the Scottish Environment Protection Agency”.

The Gas Act 1965

- 3.—(1) The Gas Act 1965⁽⁶⁾ shall be amended as follows.
- (2) In section 17(5) (duties of public gas supplier in respect of gas accidents)—
 - (a) in paragraph (a)—
 - (i) the words “, river purification authority” shall cease to have effect; and
 - (ii) the word “and” in the third place where it occurs shall cease to have effect; and
 - (b) after that paragraph there shall be inserted the following:—

“(aa) if it appears to them that the Scottish Environment Protection Agency will have duties to discharge in any such event, for that body, and”.
- (3) In section 28(1) (interpretation of Part II of that Act), the definition of “river purification authority” shall cease to have effect.
- (4) In Part IV of Schedule 2, in paragraph 17(a) for the words “river purification authorities” there shall be substituted “the Scottish Environment Protection Agency”.
- (5) In paragraph 11(a) of Schedule 6, for the words “a river purification authority” there shall be substituted “the Scottish Environment Protection Agency”.

⁽³⁾ 1962 c. 58; section 37 was relevantly amended by the Water Resources Act 1963 (c. 38), Schedule 13, paragraph 18.

⁽⁴⁾ 1964 c. 40.

⁽⁵⁾ Section 58 was relevantly amended by the Water Act 1973 (c. 37), Schedule 8, paragraph 87.

⁽⁶⁾ 1965 c. 36.

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The Employment Protection (Consolidation) Act 1978

- 4.—(1) The Employment Protection (Consolidation) Act 1978(7) shall be amended as follows.
- (2) In section 29 (time-off for public duties)—
- (a) in subsection (1)(f)(8), for the words “a river purification board” there shall be substituted “the Scottish Environment Protection Agency”; and
 - (b) subsection (2)(d) shall cease to have effect.

The Local Government, Planning and Land Act 1980

5. In section 1(2)(a) of the Local Government Planning and Land Act 1980(9) (relaxation of ministerial control of authorities) for the words “, water authorities and river purification authorities” there shall be substituted “and water authorities”.

The Wildlife and Countryside Act 1981

6. In section 36(7) of the Wildlife and Countryside Act 1981(10) (interpretation of that section), in the definition of “relevant authority” for the words “a river purification board” there shall be substituted “the Scottish Environment Protection Agency”.

The Control of Pollution (Consents for Discharges) (Notices) Regulations 1984

7. In the Schedule to the Control of Pollution (Consents to Discharges) (Notices) Regulations 1984(11)—
- (a) in the form of notice of application for consent—
 - (i) in footnote (a), for the words “the River Purification Authority— see section 106(2) of the Act” there shall be substituted “the Scottish Environment Protection Agency”;
 - (ii) in footnote (h), for the words “River Purification Authority” there shall be substituted “the Scottish Environment Protection Agency”; and
 - (b) in the form of notice of service of instrument—
 - (i) in footnote (b), for the words “the River Purification Authority— see section 106(2) of the Act” there shall be substituted “the Scottish Environment Protection Agency”;
 - (ii) in footnote (i), for the words “River Purification Authority” there shall be substituted “the Scottish Environment Protection Agency”.

The Control of Pollution (Consents for Discharges) (Secretary of State Functions) Regulations 1984

- 8.—(1) The Control of Pollution (Consents for Discharges) (Secretary of State Functions) Regulations 1984(12) shall be amended as follows.
- (2) In regulation 2 (application and interpretation)—
- (a) in paragraph (1), for the words “a river purification authority in Scotland” there shall be substituted the words “the Scottish Environment Protection Agency”; and

(7) 1978 c. 44.

(8) Section 29(1)(f) was amended by the Water Act 1989 (c. 15), Schedule 25, paragraph 56.

(9) 1980 c. 65.

(10) 1981 c. 69.

(11) S.I.1984/864.

(12) S.I. 1984/865.

(b) in paragraph (2), in the definition of “authority”, for the words “river purification authority” there shall be substituted the words “the Scottish Environment Protection Agency”.

(3) In footnote (a) to the Schedule, for the words “River Purification Authority— see section 106(2) of the Act” there shall be substituted “the Scottish Environment Protection Agency”.

The Sludge (Use in Agriculture) Regulations 1989

9.—(1) The Sludge (Use in Agriculture) Regulations 1989⁽¹³⁾ shall be amended as follows.

(2) In regulation 7(1) (supply of information about sludge), after the words “the Environment Agency” in both places where they occur, there shall be inserted “or, in Scotland, the Scottish Environment Protection Agency”.

(3) In regulation 8(2) (dedicated sites) after the words “the Environment Agency” there shall be inserted “or, in Scotland, the Scottish Environment Protection Agency”.

(4) In paragraph 2(2)(c) of Schedule 2 (testing of agricultural soil) after the words “the Environment Agency” there shall be inserted “or, in Scotland, the Scottish Environment Protection Agency”.

The Radioactive Substances (Appeals) Regulations 1990

10. In regulation 4(2) of the Radioactive Substances (Appeals) Regulations 1990⁽¹⁴⁾, the words “river purification authority,” shall cease to have effect.

The Water Resources Act 1991

11. In section 84(2)(b) of the Water Resources Act 1991⁽¹⁵⁾ (general duties to maintain and achieve objectives) for the words “river purification authorities in Scotland” there shall be substituted “the Scottish Environment Protection Agency”.

The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 1991

12.—(1) The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 1991⁽¹⁶⁾ shall be amended as follows.

(2) In regulation 1(3) (interpretation) for the definition of “river purification authority” there shall be substituted the following definition:—

““SEPA” means the Scottish Environment Protection Agency;”.

(3) In regulations 8, 9 and 10(1), for the words “the river purification authority” in each place where they occur there shall be substituted “SEPA”.

(4) Regulation 10(2) shall cease to have effect.

The Bathing Waters (Classification) (Scotland) Regulations 1991

13. In paragraph 3(1) of Schedule 1 to the Bathing Waters (Classification) (Scotland) Regulations 1991⁽¹⁷⁾, for the words “the river purification authority whose area includes those waters” there shall be substituted “the Scottish Environment Protection Agency”.

⁽¹³⁾ S.I. 1989/1263; relevant amending instrument is S.I. 1996/593.

⁽¹⁴⁾ S.I. 1990/2504.

⁽¹⁵⁾ 1991 c. 57.

⁽¹⁶⁾ S.I. 1991/346.

⁽¹⁷⁾ S.I. 1991/1609.

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

The Control of Pollution (Radioactive Waste) (Scotland) Regulations 1991

14.—(1) The Control of Pollution (Radioactive Waste) (Scotland) Regulations 1991(18) shall be amended as follows.

(2) In the Schedule (provisions of Part II of the Control of Pollution Act 1974 to be applied to radioactive waste)—

- (a) for the words “Section 31(1) to (5) and (7) to (10)” there shall be substituted “Sections 30F to J, 31(4), (5), (8) and (9)”;
- (b) the entry relating to section 32 shall cease to have effect;
- (c) for the entry relating to section 42 there shall be substituted—

“Sections 42A and 42B	Exclusion from registers of certain information”;
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- (d) in the entry relating to section 46, for the words “river purification authorities” there shall be substituted “the Scottish Environment Protection Agency”;
- (e) the entries relating to sections 53 and 55 shall cease to have effect; and
- (f) for the words “Section 56(1) to (4)” there shall be substituted “Section 56(1) to (3)”.

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

15.—(1) The Control of Pollution (Registers) (Scotland) Regulations 1993(19) shall be amended as follows.

(2) In regulation 2 (interpretation)—

- (a) for the definition of “the register” there shall be substituted—
 - ““the register” means the register which it is SEPA’s duty to keep in pursuance of section 41(1);”;
 - and
- (b) the following definition shall be inserted at the appropriate place—
 - ““SEPA” means the Scottish Environment Protection Agency.”.

(3) In regulation 3(5) (provisions as to entries in the register) for the words “the river purification authority’s” there shall be substituted “SEPA’s”.

(4) In regulation 6(1)(c) (particulars to be included in register), for the words “31(3)” there shall be substituted “30J(7)”.

(5) Regulations 8 (certificates) and 9 (inspection by the public) shall cease to have effect.

The Coal Industry Act 1994

16. For section 59(3)(e)(vi) of the Coal Industry Act 1994(20) (information to be kept confidential) there shall be substituted—

“(vi) the Scottish Environment Protection Agency.”.

The Waste Management Licensing Regulations 1994

17.—(1) The Waste Management Licensing Regulations 1994(21) shall be amended as follows.

(18) S.I. 1991/2539.
 (19) S.I. 1993/1155.
 (20) 1994 c. 21.
 (21) S.I. 1994/1056; amended by S.I. 1995/288 and 1950.

- (2) Regulation 10(1)(g)(i) (particulars to be entered in public registers) shall cease to have effect.
- (3) In Part I of Schedule 4—
 - (a) in paragraph 1 (interpretation of Schedule 4) the definition of “river purification authority” shall cease to have effect; and
 - (b) in paragraph 3(1) (meaning of “competent authority” etc.), in Table 5, for the words “a river purification authority” there shall be substituted “the Scottish Environment Protection Agency”.

The Conservation (Natural Habitats, &c.) Regulations 1994

18. In regulation 5(g) of the Conservation (Natural Habitats, &c.) Regulations 1994⁽²²⁾, (relevant authorities in relation to marine areas and European marine sites) for the words “a river purification board” there shall be substituted “the Scottish Environment Protection Agency”.

The Urban Waste Water Treatment (Scotland) Regulations 1994

19.—(1) The Urban Waste Water Treatment (Scotland) Regulations 1994⁽²³⁾ shall be amended as follows.

(2) In regulation 2(1) (interpretation) the definition of “river purification authority” shall cease to have effect and there shall be inserted at the appropriate place—

““SEPA” means the Scottish Environment Protection Agency;”.

(3) For the words “every river purification authority”, “the river purification authority”, “a river purification authority”, “river purification authority”, “every authority” and “the authority”, in each place where they occur in the undernoted provisions there shall be substituted “SEPA”—

regulation 3(1) and (3);

regulation 4(2);

regulation 5(3), (5) and (6);

regulation 6(2), (3) and (4);

regulation 8(2) and (3);

regulation 11(1) and (3);

regulation 12;

regulation 13(1);

Schedule 3, Part II, paragraph 1(a) and (c).

(4) In regulations 4(2)(a) (duty to provide and maintain collecting systems) and 5(5)(b) (requirements as to provision of treatment), the words “within whose area the discharges are made” shall cease to have effect.

(5) In regulation 5(3) (requirements as to provision of treatment), the words “within whose area the plants are situated” shall cease to have effect.

(6) Regulations 6(6) (Secretary of State’s consent) and 8(5) (discharge of certain waste) shall cease to have effect.

(7) In regulation 11(1)(a) to (d) (monitoring), the words “within its area” in each place where they occur shall cease to have effect.

(8) In regulation 12(deposit of maps and certificates)—

⁽²²⁾ S.I. 1994/2716.

⁽²³⁾ S.I. 1994/2842.

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- (a) the words “at its principal office” shall cease to have effect; and
 - (b) in paragraph (a), the words “wholly or partly within its area” shall cease to have effect.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

Part I of the Environment Act 1995 establishes the Scottish Environment Protection Agency and transfers to it the functions, property, rights and liabilities of river purification authorities, waste regulation authorities, disposal authorities, and Her Majesty’s Industrial Pollution Inspectorate together with some functions, property, rights and liabilities of the Health and Safety Executive, local authorities and the Secretary of State. Regulation 2 and the Schedule to the Regulations make a number of minor and consequential amendments to primary and secondary legislation in consequence of these transfers. Regulation 3 makes transitional provisions for consideration of questions for determination by the Secretary of State under section 39 of the Control of Pollution Act 1974.