

SCHEDULE 3 MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 1

REGULATION OF ENVIRONMENTAL ACTIVITIES ETC.

Sewerage (Scotland) Act 1968

- 1 (1) The Sewerage (Scotland) Act 1968 is amended as follows.
- (2) In section 29A (priority substances etc.), in subsection (3)—
 - (a) the word “or” immediately following paragraph (a) is repealed, and
 - (b) for paragraph (b) substitute—
 - “(b) regulations made under section 18 of the Regulatory Reform (Scotland) Act 2014, or
 - (c) any directive concerning the same subject-matter as the directive mentioned in subsection (1).”.
- (3) In section 38H (Controlled Activities Regulations), for subsection (3)(b) substitute—
 - “(b) regulations made under section 18 of the Regulatory Reform (Scotland) Act 2014.”.

Prevention of Oil Pollution Act 1971

- 2 In section 11A of the Prevention of Oil Pollution Act 1971 (certain provisions not to apply where discharge or escape authorised under certain enactments), in subsection (1), after “1999” insert “or section 18 of the Regulatory Reform (Scotland) Act 2014”.

Environmental Protection Act 1990

- 3 (1) The Environmental Protection Act 1990 is amended as follows.
- (2) In section 35 (waste management licences: general), in subsection (11A), after “1999” insert “or by an authorisation under regulations under section 18 of the Regulatory Reform (Scotland) Act 2014”.
- (3) In section 46 (receptacles for household waste), in subsection (4)—
 - (a) the word “and” immediately following paragraph (d) is repealed,
 - (b) after paragraph (e) add—
 - “(f) the removal of the receptacles placed for the purpose of facilitating the emptying of them; and
 - (g) the time when the receptacles must be placed for that purpose and removed.”.
- (4) In section 47 (receptacles for commercial or industrial waste), in subsection (4)—
 - (a) the word “and” immediately following paragraph (d) is repealed,
 - (b) after paragraph (e) add—
 - “(f) the removal of the receptacles placed for the purpose of facilitating the emptying of them; and

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(g) the time when the receptacles must be placed for that purpose and removed.”.

(5) In section 79 (statutory nuisances and inspections therefor), in subsection (10), after “1999” insert “or section 18 of the Regulatory Reform (Scotland) Act 2014”.

Clean Air Act 1993

4 (1) The Clean Air Act 1993 is amended as follows.

(2) In section 31 (regulations about sulphur content of oil fuel for furnaces or engines), in subsection (4)—

(a) in paragraph (a)—

(i) the word “or” immediately following sub-paragraph (i) is repealed,

(ii) after sub-paragraph (ii) insert “; or

(iii) part of an activity subject to regulation by the Scottish Environment Protection Agency under regulations under section 18 of the Regulatory Reform (Scotland) Act 2014;”;

(b) in paragraph (b), after “sub-paragraph (ii)” insert “or (iii)”.

(3) In section 33 (cable burning), in subsection (1), after “1999” insert “or section 18 of the Regulatory Reform (Scotland) Act 2014”.

(4) In section 35 (obtaining information), in subsection (3), after “1999” insert “or section 18 of the Regulatory Reform (Scotland) Act 2014”.

(5) In section 36 (notices requiring information about air pollution), in subsection (2A) after “1999” insert “or to an activity subject to regulation by the Scottish Environment Protection Agency under regulations under section 18 of the Regulatory Reform (Scotland) Act 2014”.

(6) In section 41A (relation to Pollution Prevention and Control Act 1999)—

(a) in subsection (1), after “activities)” insert “or section 18 of the Regulatory Reform (Scotland) Act 2014”,

(b) in subsection (2)—

(i) in paragraph (a), after “permit” insert “or authorisation”,

(ii) in paragraph (b), after “permit” insert “or authorisation”,

(c) in subsection (3)—

(i) the words from “permit” to the end of the subsection become paragraph (a) of that subsection,

(ii) after that paragraph insert “; and

(b) “authorisation” means an authorisation under regulations made under section 18 of the Regulatory Reform (Scotland) Act 2014, and the reference to an appeal is to an appeal under those regulations.”.

(7) In the title to section 41A, after “1999” insert “and Regulatory Reform (Scotland) Act 2014”.

Environment Act 1995

- 5 (1) The Environment Act 1995 is amended as follows.
- (2) In section 56 (interpretation of Part 1), in the definition of “environmental licence” in relation to SEPA, after paragraph (aa) insert—
- “(ab) an authorisation under regulations under section 18 of the Regulatory Reform (Scotland) Act 2014,”.
- (3) In section 108 (powers of enforcing authorities and persons authorised by them), in subsection (15), in paragraph (n) of the definition of “pollution control functions” in relation to SEPA, after “1999” insert “or section 18 of the Regulatory Reform (Scotland) Act 2014”.
- (4) In section 114 (power of the Scottish Ministers to delegate functions of determining, or to refer matters involved in, appeals), in subsection (2)(a)(viii), after “Scotland” insert “or under section 18 of the Regulatory Reform (Scotland) Act 2014”.

Merchant Shipping Act 1995

- 6 In section 136A of the Merchant Shipping Act 1995 (discharges etc. authorised under other enactments), after “1999” insert “or an authorisation under regulations under section 18 of the Regulatory Reform (Scotland) Act 2014”.

Pollution Prevention and Control Act 1999

- 7 In the Pollution Prevention and Control Act 1999, in section 1 (general purpose of section 2 and definitions)—
- (a) paragraph (a) is repealed,
- (b) in paragraph (b), the words “, otherwise in pursuance of that Directive,” are repealed.

Water Environment and Water Services (Scotland) Act 2003

- 8 (1) The Water Environment and Water Services (Scotland) Act 2003 is amended as follows.
- (2) In section 2 (the general duties), in subsection (8), in the definition of “the relevant enactments”, after “Part” insert “, Part 3 of the Regulatory Reform (Scotland) Act 2014”.
- (3) Section 20 (regulation of controlled activities) is repealed.
- (4) Section 21 (controlled activities regulations: procedure) is repealed.
- (5) In section 22 (remedial and restoration measures)—
- (a) in subsection (2)(a), the words “(as defined in section 20(6))” are repealed,
- (b) after subsection (3) insert—
- “(4) In subsection (2)(a), “pollution” in relation to the water environment means the direct or indirect introduction, as a result of human activity, of substances or heat into the water environment, or any part of it, which may give rise to any harm; and “harm” means—
- (a) harm to the health of human beings or other living organisms,

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- (b) harm to the quality of the water environment, including—
 - (i) harm to the quality of the water environment taken as a whole,
 - (ii) other impairment of, or interference with the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems,
 - (c) offence to the senses of human beings,
 - (d) damage to property, or
 - (e) impairment of, or interference with, amenities or other legitimate uses of the water environment.”.
- (6) In section 23 (fixing of charges for water services)—
- (a) in paragraph (a) of subsection (4), the words “(as defined in section 20(6))” are repealed,
 - (b) after that subsection insert—

“(5) In subsection (4)(a), “abstraction” means the doing of anything by which any water is removed or diverted by mechanical means, pipe or any engineering structure or works from any part of the water environment, whether temporarily or permanently, including anything by which the water is so removed or diverted for the purpose of being transferred to another part of the water environment, and includes—

 - (a) the construction or extension of any well, borehole, water intake or other work by which water may be abstracted,
 - (b) the installation or modification of any machinery or apparatus by which additional quantities of water may be abstracted by means of a well, borehole, water intake or other work.”.
- (7) In section 28 (interpretation of Part 1), the definition of “controlled activity” is repealed.
- (8) In section 36 (orders and regulations)—
- (a) in each of subsections (3), (5) and (6) the word “20,” is repealed,
 - (b) in subsection (4), paragraph (b) and the “or” immediately preceding it are repealed.
- (9) In schedule 1 (matters to be included in river basin management plans), in paragraph 10(b), for the words “schedule 2” substitute “paragraph 3(1) of schedule 2 to the Regulatory Reform (Scotland) Act 2014”.
- (10) Schedule 2 (controlled activities regulations: particular purposes) is repealed.

Water Services etc. (Scotland) Act 2005

- 9 In section 25 of the Water Services etc. (Scotland) Act 2005 (sewerage nuisance: code of practice), in subsection (9), after “(c.24)” insert “or by an authorisation under regulations made under section 18 of the Regulatory Reform (Scotland) Act 2014”.

Water Resources (Scotland) Act 2013

- 10 (1) The Water Resources (Scotland) Act 2013 is amended as follows.

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- (2) In section 5 (qualifying abstraction), in subsection (2), for the words from “20(3)(b)” to the end of the subsection substitute “23(5) of the 2003 Act.”.
- (3) In section 21 (Controlled Activities Regulations), for subsection (5)(b) substitute—
“(b) regulations made under section 18 of the Regulatory Reform (Scotland) Act 2014.”.
- (4) In section 50 (Controlled Activities Regulations), for subsection (5)(b) substitute—
“(b) regulations made under section 18 of the Regulatory Reform (Scotland) Act 2014.”.