

Changes to legislation: Regulatory Reform (Scotland) Act 2014, PART 6 is up to date with all changes known to be in force on or before 13 January 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 3 MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 6

MODIFICATIONS OF REFERENCES TO “ENACTMENT” ETC.

Control of Pollution Act 1974

- 39 (1) The Control of Pollution Act 1974 is amended as follows.
- (2) In section 73 (interpretation and other supplementary provisions), after subsection (3) insert—
- “(3A) In the definition of “statutory undertakers” in subsection (1), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (3) In section 85 (appeals to Crown Court or Court of Session against decisions of magistrates' court or sheriff), after subsection (3) add—
- “(4) In subsection (2), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (4) In section 105 (interpretation etc. – general), in subsection (2)(b), after “private” add “ or by or under any Act of the Scottish Parliament ”.

Commencement Information

II Sch. 3 para. 39 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

Environmental Protection Act 1990

- 40 (1) The Environmental Protection Act 1990 is amended as follows.
- (2) In section 33 (prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste), after subsection (10) add—
- “(11) In subsection (4)(c) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (3) In section 57 (powers of the Scottish Ministers to require waste to be accepted, treated, disposed of or delivered), after subsection (7) insert—
- “(7A) In subsection (6) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (4) In section 63 (waste other than controlled waste), after subsection (4) add—
- “(5) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (5) In section 73 (appeals and other provisions relating to legal proceedings and civil liability), after subsection (9) add—

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- “(10) In subsection (2) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (6) In section 78X (supplementary provisions), after subsection (4) insert—
- “(4A) In subsection (4)(f)(i) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (7) In section 79 (statutory nuisances and inspections therefor), after subsection (6A) insert—
- “(6B) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (8) In section 98 (definitions for Part 6), after subsection (6), insert—
- “(6A) In subsection (6) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (9) In section 140 (power to prohibit or restrict the importation, use, supply or storage of injurious substances or articles), in subsection (11), before the definition of “the environment” insert—
- ““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;”.
- (10) In Schedule 4 (abandoned shopping and luggage trolleys), after paragraph 1(2) add—
- “(3) In sub-paragraph (2)(d) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.

Commencement Information

I2 Sch. 3 para. 40 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

Natural Heritage (Scotland) Act 1991

- 41 (1) The Natural Heritage (Scotland) Act 1991 is amended as follows.
- (2) In section 7 (powers of entry), after subsection (11) add—
- “(12) In subsection (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (3) In Schedule 1 (constitution and proceedings of Scottish Natural Heritage), after paragraph 17(2) add—
- “(3) In sub-paragraph (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.

Commencement Information

I3 Sch. 3 para. 41 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

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Radioactive Substances Act 1993

F142

Textual Amendments

F1 Sch. 3 para. 42 repealed (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, sch. 7 para. 1 (with reg. 78, sch. 5 para. 2)

Environment Act 1995

- 43 (1) The Environment Act 1995 is amended as follows.
- (2) In section 27 (power of SEPA to obtain information about land), after subsection (3) add—
- “(4) In subsection (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (3) In section 30 (records held by SEPA), after subsection (3) add—
- “(4) In subsection (3) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (4) In section 37 (incidental general functions), after subsection (8) insert—
- “(8A) In subsection (8) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (5) In section 38 (delegation of functions by Ministers etc. to new Agencies), in subsection (10) after the definition of “eligible function” insert—
- ““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;”.
- (6) In section 40 (ministerial directions to the new Agencies), after subsection (8) add—
- “(9) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (7) In section 43 (incidental power of the new Agencies to impose charges)—
- (a) the existing text becomes subsection (1) of that section,
- (b) after that subsection add—
- “(2) In subsection (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (8) In section 53 (inquiries and other hearings), after subsection (3) add—
- “(4) In subsections (1) and (3) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (9) In section 87 (regulations for the purposes of Part 4), after subsection (9) add—

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- “(10) In subsection (5)(c) above, “enactment” includes an enactment comprised in an Act of the Scottish Parliament.”.
- (10) In section 108 (powers of enforcing authorities and persons authorised by them), in subsection (15)—
- (a) in the definition of “pollution control enactments” at the end add “ (including any enactments comprised in, or in instruments made under, an Act of the Scottish Parliament relating to those functions). ”,
 - (b) in the definition of “pollution control functions” in relation to the Scottish Ministers, after “instrument” insert “ (including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament) ”.
- (11) In section 113 (disclosure of information), in subsection (5), after the definition of “new Agency” insert—
- ““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (12) In section 122 (directions), after subsection (5) insert—
- “(6) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (13) In Schedule 6 (the Scottish Environment Protection Agency), in paragraph 15, after sub-paragraph (2) add—
- “(3) In sub-paragraph (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.
- (14) In Schedule 11 (air quality: supplemental provisions), in paragraph 5, after sub-paragraph (6) add—
- “(7) In the definition of “fixed penalty offence” in sub-paragraph (6) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.

Commencement Information

I4 Sch. 3 para. 43 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

Flood Risk Management (Scotland) Act 2009

- 44 Section 78 of the Flood Risk Management (Scotland) Act 2009 (SEPA's power to obtain information about land) is repealed.

Commencement Information

I5 Sch. 3 para. 44 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(4) inserted by [S.S.I. 2019/436 reg. 2\(3\)\(a\)\(ii\)](#)
- sch. 2 para. 22(1)(b)(2)-(4) substituted for Sch. 2 para. 22(1)(b)(2) by [S.S.I. 2019/436 reg. 2\(3\)\(b\)](#)