

SCHEDULE

PART IV

AMENDMENTS TO PRIMARY LEGISLATION

The Environment Act 1995

- 8.**—(1) The Environment Act 1995(1) is amended as follows.
- (2) In section 33(5) (general duties with respect to pollution control)—
- (a) in paragraph (b) omit “Part III of the 1951 Act, the Rivers (Prevention of Pollution) (Scotland) Act 1965 and”;
 - (b) omit “and” where it occurs immediately after paragraph (ga); and
 - (c) insert after paragraph (h)—
 - “and;
 - (i) the [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) and any regulations made under that Act.”.
- (3) In section 56(1) (interpretation of Part I)—
- (a) omit the definition of “the 1951 Act”; and
 - (b) in the definition of “environmental licence” applying in relation to SEPA, omit paragraphs (a) and (e).
- (4) In section 108(15) (powers of enforcing authorities and persons authorised by them) in the definition of “pollution control functions” applying in relation to SEPA, omit paragraphs (b) and (c).
- (5) In section 114(2) (power of Secretary of State to delegate his functions of determining, or to refer matters involved in, appeals)—
- (a) for sub-paragraph (i) of paragraph (a) substitute—
 - “(i) section 42B(5) of the Control of Pollution Act 1974,”;
 - (b) omit sub-paragraph (iv) of paragraph (a);
 - (c) after sub-paragraph (viii) insert—
 - “(ix) regulations under section 20 (regulation of controlled activities) of the [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#),”; and
 - (d) omit paragraph (b).
- (6) In paragraph 4(3) of Schedule 20 (delegation of appellate functions of the Secretary of State)—
- (a) omit “or” where it appears before sub sub paragraph (d); and
 - (b) after sub sub paragraph (d) insert—
 - “; or
 - (e) regulation 46(j) of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 ([S.S.I. 2005/348](#)).”.

(1) [1995 c. 25](#), as relevantly amended by the Pollution Prevention and Control Act 1999 ([c. 24](#)), section 6, Schedule 2, paragraphs 16 and 17 and Schedule 3, [S.I.1999/743](#), [2000/1973](#), [S.S.I. 2000/325](#), [2003/171](#) and [2004/175](#).