

SCHEDULES

SCHEDULE 13

MINOR AND CONSEQUENTIAL AMENDMENTS

The Environmental Protection Act 1990 (c. 43)

- 167 (1) The Environmental Protection Act 1990 shall be amended in accordance with this paragraph.
- (2) In section 4(11)(c) (meaning of “local authority” in Scotland for purposes of Part I), for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) In section 30 (authorities for purposes of Part II), in each of subsections (1)(g), (2)(g) and (3)(c), for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (4) In section 36 (procedures to be carried out where proposal to issue waste management licence)—
- (a) in subsection (6), the words “(other than an islands council)” shall cease to have effect;
 - (b) in subsection (6)(a)—
 - (i) after “(i)” insert “where the authority is not the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for Orkney Islands, Shetland Islands or Western Isles”;
 - (ii) after sub-paragraph (ii) insert “and”; and
 - (iii) sub-paragraph (iii) shall cease to have effect;
 - (c) in subsection (6)(b)—
 - (i) after “purification authority” insert “or”; and
 - (ii) the words “or the general planning authority” shall cease to have effect;
 - (d) in subsection (10)—
 - (i) after “conservancy body” insert “or”;
 - (ii) the words “or general planning authority” shall cease to have effect;
 - (iii) after “the body” insert “or”; and
 - (iv) the words “or the general planning authority” shall cease to have effect.
- (5) In section 39(8) (procedures to be carried out where proposal to accept surrender of licence)—
- (a) the words “(not being an islands council)” shall cease to have effect;
 - (b) for paragraph (a) substitute—
 - “(a) where the authority is not the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994)

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- for Orkney Islands, Shetland Islands or Western Isles, refer the proposal to the river purification authority whose area includes any of the relevant land;” and
- (c) in paragraph (b), the words “or the general planning authority” shall cease to have effect.
- (6) In section 45(10) (application to Scotland of certain sections of the 1968 Act for purposes connected with the collection of controlled waste), for paragraphs (a) and (b) substitute—
- “(a) the said section 2 conferred a power on a waste collection authority rather than a duty on a sewerage authority;
- (b) in the said section 3—
- (i) references to a sewerage authority were references to a waste collection authority; and
- (ii) in references to public sewers and public sewage works the word “public” were omitted;
- (c) in the said section 4, the reference to a sewerage authority were a reference to a waste collection authority and the words from “by virtue” to the end were omitted; and
- (d) in the said section 41, the reference to a sewerage authority were a reference to a waste collection authority.”.
- (7) In section 50(5)(a) (bodies to be consulted where waste disposal plan being prepared), sub-paragraph (iv) shall cease to have effect.
- (8) In section 53 (duties of authorities as respects disposal of waste collected: Scotland)
- (a) in subsection (4)—
- (i) the words “(other than an islands council)” shall cease to have effect; and
- (ii) in paragraphs (a) and (b), for “regional council”, wherever it occurs, substitute “sewerage authority”;
- (b) in subsection (5)—
- (i) for “regional council”, in both places where it occurs, substitute “sewerage authority”; and
- (ii) for “council”, where it thirdly occurs, substitute “sewerage authority”; and
- (c) after subsection (5) insert—
- “(5A) In this section “sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”
- (9) In section 54 (special provisions for land occupied by disposal authorities: Scotland)
- (a) in subsection (4)—
- (i) in paragraph (b), for sub-paragraphs (i) to (iv) substitute—
- “(i) where the authority is not the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for Orkney Islands, Shetland Islands or Western Isles, to the river purification

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- authority whose area includes any of the land in question;
- (ii) to the Health and Safety Executive; and
- (iii) where the authority is not the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for Orkney Islands, Shetland Islands or Western Isles, in the case of a proposal to operate mobile plant, to the river purification authority whose area includes the area of the waste disposal authority;”
- (ii) in paragraph (c)—
- (a) after “purification authority” insert “or”; and
- (b) the words “or the general planning authority” shall cease to have effect; and
- (b) in subsection (5)—
- (i) for the words from “above” to “(d)” substitute “(d)”; and
- (ii) for the words “an islands council” substitute “the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for Orkney Islands, Shetland Islands or Western Isles”.
- (10) In section 86 (preliminary provisions relating to litter)—
- (a) in subsection (3), for paragraphs (a) and (b) substitute—
- “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
- (b) in subsection (10)—
- (i) for “its” substitute “their”; and
- (ii) for the words from “the district” to the end substitute “the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (11) In section 88(9) (“litter authorities” for purposes of section)—
- (a) in paragraph (a), the words “, a regional council”; and
- (b) in paragraph (b), the words “, regional council”, shall cease to have effect.
- (12) In section 90(3) (power to designate litter control areas), the words “, regional council” shall cease to have effect.
- (13) In section 92(1) (summary proceedings by litter authorities), the words “, regional council” shall cease to have effect.
- (14) In section 93(1) (street litter control notices), the words “, regional council” shall cease to have effect.
- (15) In section 95(1) (public registers), the words “, regional council” shall cease to have effect.
- (16) In section 99(5)(e) (local authority in Scotland having powers in relation to abandoned trolleys), for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

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- (17) In section 149(11) (seizure of stray dogs: interpretation), in the definition of “local authority”, for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.