



# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

### PART II

#### WATER AND SEWERAGE REORGANISATION

#### *Amendment of Sewerage (Scotland) Act 1968*

#### **103 Register as respects trade effluents**

The following sections shall be inserted after section 37 of the 1968 Act—

#### **“37A Register for purposes of Part II**

- (1) A sewerage authority shall maintain a register for the purposes of this Part of this Act.
- (2) The authority shall enter in the register—
  - (a) such particulars as may be prescribed—
    - (i) of any consent, affecting their area and for the time being extant, given (whether before or after the coming into force of this section) under this Part of this Act; and
    - (ii) of any agreement, affecting their area and for the time being extant, entered into (whether before or after the coming into force of this section) under section 37 of this Act; and
  - (b) such particulars of other matters relative to their functions under this Part of this Act as may be prescribed.
- (3) It shall be the duty of a sewerage authority—
  - (a) to secure that the register maintained by them in pursuance of subsection (1) above is, after such date as may be prescribed, open to inspection by the public free of charge at all reasonable hours; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) to afford members of the public reasonable facilities for obtaining from them, on payment of reasonable charges, copies of entries in the register.
- (4) In subsections (2) and (3) above, “prescribed” means prescribed by the Secretary of State by regulations made under this subsection by statutory instrument.
- (5) An instrument containing regulations under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **37B Exclusion from register of information affecting national security**

- (1) No information shall be included in a register maintained under section 37A of this Act if and so long as, in the opinion of the Secretary of State, the inclusion in the register of that information, or of information of that description, would be contrary to the interests of national security.
- (2) The Secretary of State may, for the purposes of subsection (1) above, give to a sewerage authority directions—
  - (a) specifying information, or descriptions of information, to be excluded from the register; or
  - (b) specifying descriptions of information to be referred to him for his determination;and no information referred to him in pursuance of paragraph (b) above shall be included in the register until he determines that it should be so included.
- (3) The sewerage authority shall notify the Secretary of State of any information they exclude from the register in pursuance of directions under subsection (2) above.
- (4) A person may, as respects any information which (but for this section) might be included in the register but which he believes may be information whose inclusion would be contrary to the interests of national security, by notice so inform the Secretary of State, specifying the information and indicating its apparent nature; and if the person does so—
  - (a) he shall advise the sewerage authority that he has given such notice; and
  - (b) no information in respect of which such advice has been given shall be included in the register until the Secretary of State has determined that it should be so included.”.