

Rivers (Prevention of Pollution) (Scotland) Act 1951

1951 CHAPTER 66 14 and 15 Geo 6

An Act to provide for establishing river purification boards in Scotland and for conferring on or transferring to such boards functions relating to the prevention of river pollution; to make new provision for maintaining or restoring the cleanliness of the rivers and other inland waters and the tidal waters of Scotland in place of the Rivers Pollution Prevention Act 1876, and certain other enactments; and for purposes connected with the matters aforesaid. [1st August 1951]

Modifications etc. (not altering text)

- C1 References to councils of counties or of large burghs and to their districts to be read as references to regional, islands or district councils and to their areas: Local Government (Scotland) Act 1973 (c. 65), s. 135(8)
- C2 By Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, Sch. 10 Pt. I any reference to a local water authority shall, unless the context otherwise requires, be construed as a reference to a water authority

Commencement Information

II Act partly in force at Royal Assent by s. 36(4)(now repealed).

PART I

CENTRAL AUTHORITY

1 Duty of Secretary of State in relation to prevention of pollution of rivers and other waters.

- (1) It shall be the duty of the Secretary of State to promote the cleanliness of the rivers and other inland waters and the tidal waters of Scotland.

Textual Amendments

F1 S. 1(2)–(4) repealed by Local Government (Miscellaneous Provisions) Act 1981 (c. 23, SIF 81:2), s. 41, Sch. 4

Modifications etc. (not altering text)

- C3 S. 1(1) extended by Spray Irrigation (Scotland) Act 1964 (c. 90), s. 1(2)
- C4 S. 1(1) extended (*1.4.1992*) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 130), s. 15(3); S.I. 1991/2633, art. 4

PART II

RIVER PURIFICATION BOARDS

Textual Amendments

F2 Ss. 2–5, 6(2) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29,

6 Financial provisions.

(1) The expenses of a river purification board, so far as they are not defrayed out of revenues of the board under any enactment other than this section, shall be defrayed by the councils of the [^{F3}regions whose areas] are comprised wholly or partly in the river purification board area in the proportions specified in the [^{F3}order constituting] the board.

In this subsection the expression "expenses" includes the interest on, and provision for the repayment of, borrowed moneys.

Textual Amendments

- F3 Words substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 16 para. 1
- F4 Ss. 2–5, 6(2) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

7 ^{F5}.....

Textual Amendments

F5 S. 7 repealed by Local Government (Scotland) Act 1975 (c. 30), Sch. 7

8 F6.....

Textual Amendments

F6 Ss. 8, 10(2)–(4), 11 repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

9 Acquisition and disposal of land; and provision of buildings.

- (1) A river purification board may acquire by agreement any land which they require for any purpose connected with the exercise of their functions: Provided that land not immediately required for such a purpose as aforesaid shall not be acquired under this subsection except with the approval of, and subject to any conditions imposed by, the Secretary of State.
- (2) The Secretary of State may authorise a river purification board to purchase compulsorily any land which they require for such a purpose as aforesaid, and the ^{M1}Acquisition of Land (Authorisation Procedure (Scotland) Act 1947, shall apply in relation to any such compulsory purchase as if this Act had been in force immediately before the commencement of that Act.
- (3) A river purification board may, with the approval of the Secretary of State, sell or otherwise dispose of any land vested in them which is not required for any purpose connected with the exercise of their functions.
- (4) A river purification board shall have power to provide such offices and other buildings as they may require for any purpose connected with the exercise of their functions.

Marginal Citations M1 1947 c. 42.

10 Provisions as to officers and servants.

[^{F7}(1) Subject to the provisions of the order establishing the board under section 135 of the ^{M2}Local Government (Scotland) Act 1973 a river purification board shall appoint such officers as they think necessary for the proper discharge by the river purification board of their functions and may pay to such officers such reasonable salaries as the board may determine and shall make appropriate arrangements for the superannuation of such officers as if they were employees of a local authority and any offiers so appointed shall hold office during the pleasure of the board].

Textual Amendments

F7 S. 10(1) substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 16 para. 2

F8 Ss. 8, 10(2)–(4), 11 repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

Marginal Citations

M2 1973 c. 65.

11 ^{F9}.....

Textual Amendments

F9 Ss. 8, 10(2)-(4), 11 repealed by Local Government (Scotland) Act 1973 c. 65, Sch.29

12 Power to appoint agents and to delegate functions.

- (1) Subject to the provisions of their administrative scheme, [^{F10}prepared in pursuance of an order under section 135(5) and (6)(b) of the ^{M3}Local Government (Scotland) Act 1973], a river purification board may, on such terms and conditions as they may agree with the councils concerned, appoint the council of any county or burgh whose district is comprised wholly or partly in the river purification board area to act as the agents of the river purification board to carry out any function vested in the board and exercisable within the council so acting as agent may act through a committee or sub-committee thereof.
- (2) A river purification board may, on the application of a local water authority who have made byelaws under [^{F11}section 71 of the Water (Scotland) Act 1980], defining any part of the board area as an area within which they deem it necessary to exercise control, delegate to the authority on such terms and conditions as they may agree with the authority the exercise of such of the functions exercisable by the board in relation to any stream or part of a stream within the area so defined as may be so agreed.
- (3) If any such local water authority as aforesaid is aggrieved by the refusal of a river purification board to delegate to them any functions under the last foregoing subsection or if any question arises as to the functions to be delegated or the terms and conditions on which functions are to be delegated, they may refer the matter to the Secretary of State for determination, and it shall be the duty of the board to give effect to any such determination.
- (4) Nothing in the foregoing provisions of this section shall authorise a river purification board to appoint a county or town council to act as their agents in the exercise of, or to delegate to a local water authority the exercise of, any of the following functions, that is to say—
 - (a) the making of byelaws;

 - (c) the granting of consents under [^{F13}sections 34 to 40 of the ^{M4}Control of Pollution Act 1974]

Textual Amendments

- F10 Words inserted by Local Government (Scotland) Act 1973 (c. 65), Sch. 16 para. 3
- F11 Words substituted by virtue of Water (Scotland) Act 1980 (c. 45, SIF 130), s. 108, Sch. 9 para. 3
- F12 S. 12(4)(b) repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4
- F13 Words substituted by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 3 para. 12

Marginal Citations

- M3 1973 c. 65.
- M4 1974 c. 40.

¹³ $I_{F^{14}(1)}$ The following provisions of the Local Government (Scotland) Act 1973 that is to

say—

- (a) section 82 (Promotion of or opposition to private legislation);
- (b) section 192 (Service of notices);
- (c) section 202 (Procedure etc. for byelaws);
- (d) section 204 (Evidence of byelaws);
- (e) section 211 (Provision for default);

shall apply in relation to a river purification board as they apply in relation to a local authority, provided that in the application of the said section 202 to a river purification board for subsection (13) there shall be substituted the following subsection—

"(13) The proper officer of a river purification board shall send a copy of any byelaws made by the board to the proper officer of the council of each region and district to the whole or any part of which the byelaws will apply"].

Textual Amendments

F14 S. 13 substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 16 para. 4

14 ^{F15}.....

Textual Amendments

F15 S. 14 repealed by Superannuation Act 1972 (c. 11), s. 29(4), Sch. 8

15 ^{F16}.....

Textual Amendments

F16 S. 15 repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

16 Reports.

- (1) Every river purification board shall, before such date in every year as the Secretary of State may fix, send to the Secretary of State a report in respect of the preceding year, and shall at the same time send a copy of the report to the council of every county or large burgh whose district is comprised wholly or partly in the river purification board area.
- (2) Every report under this section shall be in such form and shall contain particulars with respect to such matters as the Secretary of State may direct.
- (3) A river purification board shall cause a copy of every report made by them under this section to be open to public inspection at all reasonable hours without payment and shall on application furnish a copy thereof to any person on payment of such sum . . . ^{F17} as the board may determine.

Status: Point in time view as at 01/04/1992.

Changes to legislation: There are currently no known outstanding effects for the Rivers (Prevention of Pollution) (Scotland) Act 1951 (repealed). (See end of Document for details)

Textual Amendments

F17 Words repealed by Local Government (Miscellaneous Provisions) Act 1981 (c. 23, SIF 81:2), s. 41, Sch. 4

PART III

PREVENTION OF POLLUTION

Modifications etc. (not altering text)

- C5 Pt. III (ss. 17-28): transfer of functions (12.10.1995) by 1995 c. 25, s. 21(1)(a)(i)(ii) (with ss. 7(6), 115, 117); S.I. 1995/2649, art. 3
- C6 Pt. III (ss. 17-28) modified (1.4.1996) by 1995 c. 25, s. 33(5)(b) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

River Purification Authorities

17 River purification authorities.

- (1) It shall be the duty of the authorities specified in the next following subsection (in this Act referred to as "river purification authorities") to promote the cleanliness of the rivers and other inland waters and the tidal waters in their areas, to conserve so far as practicable the water resources of their areas and to exercise for those purposes the functions conferred on them by this Act [^{F18} and by the ^{M5}Control of Pollution Act 1974][^{F19} and by Part II of the Natural Heritage (Scotland) Act 1991].
- (2) The authorities referred to in the foregoing subsection are

[^{F20}river purification boards established under section 135 of the ^{M6}Local Government (Scotland) Act 1973 and islands councils].

Textual Amendments

- F18 Words inserted by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 3 para. 13
- **F19** Words in s. 17(1) inserted (*1.4.1992*) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 130), s. 28(2), **Sch. 10 para. 1**; S.I. 1991/2633, **art. 4**
- F20 Words substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 16 para. 5

Modifications etc. (not altering text)

C7 S. 17(1) amended by Spray Irrigation (Scotland) Act 1964 (c. 90), s. 1(1)

Marginal Citations

M5 1974 c. 40.

M6 1973 c. 75.

18 Provision and obtaining of information.

- (1) For the purpose of enabling them to perform the functions conferred on them a river purification authority may make surveys of their area and gauge and keep records of the flow or volume and other characteristics of any stream in their area, and may take steps for the measurement and recording of the rainfall in their area or any part thereof and for the installation and maintenance for these purposes of gauges or other apparatus and works connected therewith, and may take such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.
- (2) The Secretary of State may give directions requiring any river purification authority to exercise all or any of the powers conferred on them by the foregoing subsection and to furnish to him such information obtained in pursuance of the directions at such times and in such form as may be specified in the directions, and it shall be the duty of the authority to comply with any directions to given.
- (3) Every river purification authority shall give reasonable facilities for the inspection of records kept by them of the rainfall or the flow or volume of any stream in their area and for the taking of copies or extracts from such records, and such facilities shall be available free of charge to all local authorities whose districts are wholly or partly included in the area of the river purification authority and shall be available to other persons on payment of such [^{F21}reasonable fees as may be determined by the river purification authority]
- [^{F23}(6) Notwithstanding anything in this Act, any [^{F24}controlled waters within the meaning of section 30A of the Control of Pollution Act 1974]shall be deemed to be included in the expression "stream" for the purposes of the [^{F24}river purification authority's]powers under this section.]

Textual Amendments

- F21 Words substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 16 para. 6
- F22 S. 18(4)(5) repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4
- F23 S. 18(6) inserted by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 3 para. 14
- F24 Words substituted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163,
 - 189(4)-(10), 190, 193(1), Sch. 25 para. 17, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

19 Power to take samples of effluents.

- (1) A river purification authority shall have a right to obtain and take away samples of water from any stream or of any effluent which is passing from any land or vessel into any stream in the area of the authority.
- [^{F25}(2) Subject to the next following subsection, the result of any analysis of a sample taken under this section shall not be admissable as evidence in any legal proceedings in respect of any effluent passing from any land or vessel unless the following requirements are complied with, that is to say, the person taking the sample—
 - (a) forthwith notifies to the occupier of the land or the owner or master of the vessel his intention to have it analysed, and
 - (b) there and then divides the sample into three parts and causes each part to be placed in a container which is sealed and marked, and

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Changes to legislation: There are currently no known outstanding effects for	r the Rivers
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(c) delivers one part to the occupier of the land or the owner or master of the vessel, retains one part for future comparison, and, if he thinks fit to have an analysis made, submits one part to the analyst.

(2A) If it is not reasonably practicable for the person taking the sample forthwith to notify to the occupier of the land or the owner or master of the vessel his intention to have it analysed, the last preceding subsection shall be construed as requiring the matters specified in paragraphs (a) to (c) thereof to be done as soon as is reasonably practicable.

(2B) In relation to any legal proceedings in respect of any effluent passing from a local authority sewer into any water, subsection (2) of this section shall have effect as if the reference to the occupier of the land were a reference to the sewerage authority by whom the sewer is maintained.]

- (3) Notwithstanding anything in this Act, any [^{F26}controlled waters within the meaning of section 30A of the Control of Pollution Act 1974] shall be deemed to be included in the expression "stream" for the purposes of the [^{F27}river purification authority's]powers under this section.
- [^{F28}(4) In this section any reference to an analysis shall be construed as including a reference to any test of whatever kind, and "analysed' and "analyst' shall be construed accordingly, and any reference to land includes a reference to premises.]

Textual Amendments

- F25 S. 19(2)–(2B) substituted for s. 19(2) by Rivers (Prevention of Pollution) (Scotland) Act 1965 (c. 13),
 s. 10(6)(a)
- **F26** Words substituted by virtue of Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 17, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- **F27** Words substituted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 17, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F28 S. 19(4) inserted by Rivers (Prevention of Pollution) (Scotland) Act 1965 (c. 13), s. 10(6)(b)
- 20^{F29}

Textual Amendments

F29 S. 20 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

21^{F30}

Textual Amendments

F30 S. 21 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

Provisions for Prevention of Pollution

22^{F31}

Textual Amendments F31 S. 22 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

23^{F32}

Textual Amendments

F32 S. 23 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

24^{F33}

Textual Amendments

F33 S. 24 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

25 $_{F34}(1)$

(1) (a)	F34	
^{F35} (c)		
(d)	F34	,
(2)	F34	
^{F35} (4)		

Textual Amendments

- **F34** S. 25(1)(a)(b)(d)(2) and (3) repealed by Control of Pollution Act 1974 (c. 40, SIF 46:4), s. 109(2), Sch. 4
- **F35** S. 25(1)(c)(4) repealed (31. 5. 1991) by Control of Pollution Act 1974 (c. 40, SIF 46:4), s. 108, **Sch.4**; S.I. 1991/1173, **art.2**.

^{F36}26

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F36(1)).		•		•	•	•		•	•					•			•		•		•	•			•		•		
^{F37} (2)).		•		•	•	•		•	•					•			•		•		•	•			•		•		
^{F36} (3)).		•		•	•	•	•	•	•			•		•	•		•	•	•		•	•	•		•	•	•		
^{F37} (4)).	•		•											•			•					•			•				

 $F^{36}(5)$

 $F^{37}(7)$

 $F^{37}(8)$

 $F^{37}(9)$

Textual Amendments

- F36 S. 26 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4
- F37 S. 26(2)(4)(7)(8)(9) repealed (31. 5. 1991) by Control of Pollution Act 1974 (c. 40, SIF 46:4), s. 108, Sch.4; S.I. 1991/1173, art. 2.

27^{F38}

Textual Amendments

F38 S. 27 repealed by Rivers (Prevention of Pollution) (Scotland) Act 1965 (c. 13), Sch. 4

28^{F39}

Textual AmendmentsF39S. 28 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

PART IV

GENERAL

29^{F40}

Textual Amendments

F40 S. 29 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

30^{F41}

Textual Amendments

F41 S. 30 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

31^{F42}

Textual Amendments

F42 S. 31 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

32 Expenses.

- (1) Any expenses incurred by the Secretary of State under this Act shall be defrayed out of moneys provided by Parliament.

Textual Amendments

F43 S. 32(2) repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

33^{F44}

Textual Amendments

F44 S. 33 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

34^{F45}

Textual Amendments

F45 S. 34 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

35 Interpretation.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
 - "contravention" includes failure to comply with, and "contravene" shall be construed accordingly;

[

- "functions" includes powers and duties;
- "land" includes land covered by water;

F47

"local authority" means a [^{F48}regional, islands or district] council, and includes a development corporation within the meaning of the New Towns [^{F49}(Scotland) Act 1968], where the corporation is by virtue of an order made under [^{F49}section 34(1) of that Act entitled to exercise any powers] in relation to the construction of sewage disposal or sewerage works;

F46

Status: Point in time view as at 01/04/1992.

> "river purification authority" has the meaning assigned to it by section seventeen of this Act:

F46

"river purification board" and "river purification board area" have the meanings assigned to them by [F48 section 135 of the M7 Local Government (Scotland) Act 1973];

[^{F51}" sewage effluent" includes any effluent from the sewage disposal or sewerage works of a local authority;]

F46

"stream" includes any river, watercourse or inland water (whether natural or artificial) and any tidal waters to which this Act applies, except that it does not include either-

(a) any body of water which does not discharge into a stream; or

(b) any sewer vested in a local authority,

but any reference to a stream includes a reference to the channel or bed of a stream which is for the time being dry;

"tidal waters" means any part of the sea or the tidal part of any river, watercourse or inland water (whether natural or artificial) and includes the waters of any enclosed dock which adjoins tidal waters;

Textual Amendments

F46 Definitions repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

- F47 Definitions repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29
- F48 Words substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 16 para. 10
- Words substituted by New Towns (Scotland) Act 1968 (c. 16), Sch. 10 F49
- F50 Definition repealed by Water (Scotland) Act 1967 (c. 78), Sch. 6 Pt. II
- Definition repealed (prosp.) by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4 F51
- F52 S. 35(2) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29
- F53 S. 35(3)–(8) repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

Marginal Citations

M7 1973 c. 65.

36 Short title, transitional provisions, repeal, commencement and extent.

(1) This Act may be cited as the Rivers (Prevention of Pollution) (Scotland) Act 1951.

(2)).			•		•		•		•		•		•		•		•			F54	
(3)).																				F55	
(4)).				•						•								•		F54	

(5) This Act shall extend to Scotland only.

Textual Amendments

F54 S. 36(2)(4) repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

F55 S. 36(3) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

SCHEDULES

F56F56FIRST SCHEDULE

Textual AmendmentsF56Sch. 1 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

F56

F57F57SECOND SCHEDULE

Textual Amendments F57 Sch. 2 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

F57

THIRD SCHEDULE

1

Textual Amendments F58 Sch. 3 para. 1 repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

F59

Textual Amendments

F59 Sch. 3 para. 2 repealed by Rivers (Prevention of Pollution) (Scotland) Act 1965 (c. 13), Sch. 4

3

Textual Amendments

F60 Sch. 3 para. 3 repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

F61F61FOURTH SCHEDULE

Textual Amendments

F61 Sch. 4 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

Status:

Point in time view as at 01/04/1992.

Changes to legislation:

There are currently no known outstanding effects for the Rivers (Prevention of Pollution) (Scotland) Act 1951 (repealed).