



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- II Act partly in force at Royal Assent by s. 36(4)(now repealed).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

(2) F1

Status: Point in time view as at 01/04/1996.

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There are currently no known outstanding effects for the Rivers (Prevention of Pollution) (Scotland) Act 1951 (repealed).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

F1 S. 1(2)–(4) repealed by [Local Government \(Miscellaneous Provisions\) Act 1981 \(c. 23, SIF 81:2\)](#), s. 41, [Sch. 4](#)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

^{F2}PART II

RIVER PURIFICATION BOARDS

Textual Amendments

F2 Pt. II (ss. 2 -16) repealed (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), [Sch. 22, para. 3\(2\)](#), [Sch. 24](#) (with [ss.7\(6\), 115, 117](#)); S.I. 1996/186, [art. 3](#)

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

^{F3}17

Textual Amendments

F3 S. 17 repealed (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), [Sch. 22, para. 3\(2\)](#), [Sch. 24](#) (with [ss. 7\(6\), 115, 117](#)); S.I. 1996/186, [art. 3](#)

18 Provision and obtaining of information.

(1) For the purpose of enabling [^{F4}it]to perform the functions conferred on [^{F4}it][^{F5}SEPA] may make surveys ^{F6}. . .and gauge and keep records of the flow or volume and other characteristics of any stream ^{F6}. . ., and may take steps for the measurement and recording of the rainfall ^{F6}. . . and for the installation and maintenance for these

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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 [F7SEPA] to exercise all or any of the powers conferred on [F7it] 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 [F7SEPA] to comply with any directions to given.

(3) [F8SEPA] shall give reasonable facilities for the inspection of records kept by [F9it] of the rainfall or the flow or volume of any stream ^{F10} . . . and for the taking of copies or extracts from such records, and such facilities shall be available free of charge to all local authorities ^{F10} . . . and shall be available to other persons on payment of such [F11reasonable fees as may be determined by [F8SEPA]]

(4) ^{F12}

[F13(6) Notwithstanding anything in this Act, any [F14controlled 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 [F15SEPA’s] powers under this section.]

Textual Amendments

- F4** Words in s. 18(1) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 3(3)(a)(i)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F5** Words in s. 18(1) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 3(3)(a)(ii)** (with s. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F6** Words in s. 18(1) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 3(3)(a)(iii), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** Words in s. 18(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 3(3)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F8** Word in s. 18(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 3(3)(c)(i)** (with s. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F9** Word in s. 18(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 3(3)(c)(ii)** (with s. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F10** Words in s. 18(3) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 3(3)(c)(iii), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F11** Words substituted by **Local Government (Scotland) Act 1973 (c. 65), Sch. 16 para. 6**
- F12** S. 18(4)(5) repealed by **Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4**
- F13** S. 18(6) inserted by **Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 3 para. 14**
- F14** 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**
- F15** Word in s. 18(6) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 3(3)(d)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

19 Power to take samples of effluents.

(1) [F16SEPA] 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 ^{F17} . . .

^{F18}(2)

^{F18}(2A)

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^{F18}(2B)

(3) Notwithstanding anything in this Act, any [^{F19}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 [^{F20}SEPA’s]powers under this section.

[^{F21}(4) In this section ^{F22}. . . any reference to land includes a reference to premises.]

Textual Amendments

- F16** Word in s. 19(1) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22** para. 3(4)(a)(i) (with ss. 7(6), 115, 117); **S.I. 1996/186, art. 3**
- F17** Words in s. 19(1) repealed (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22** para. 3(4)(a)(ii), Sch. 24 (with ss. 7(6), 115, 117); **S.I. 1996/186, art. 3**
- F18** S. 19(2)-(2B) repealed (1.4.1996) by 1995 c. 25, ss. 111(1)(a), 120(3), **Sch. 24** (with ss. 7(6), 115, 117); **S.I. 1996/186, art. 3**
- F19** 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**
- F20** Word in s. 19(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22** para. 3(4)(b) (with ss. 7(6), 115, 117); **S.I. 1996/186, art. 3**
- F21** S. 19(4) inserted by Rivers (Prevention of Pollution) (Scotland) Act 1965 (c. 13), **s. 10(6)(b)**
- F22** Words in s. 19(4) substituted (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); **S.I. 1996/186, art. 3**

20 ^{F23}

Textual Amendments

- F23** S. 20 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

21 ^{F24}

Textual Amendments

- F24** 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 ^{F25}

Textual Amendments

- F25** S. 22 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

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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)

23 F26

Textual Amendments

F26 S. 23 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

24 F27

Textual Amendments

F27 S. 24 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

25 F28(1)
 (a) F28
 F29(c)
 (d) F28

 (2) F28

 F29(4)

Textual Amendments

F28 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**
F29 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**.

F30 26

 F30(1)
 F31(2)
 F30(3)
 F31(4)
 F30(5)
 F31(7)
 F31(8)
 F31(9)

Textual Amendments

F30 S. 26 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

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F31 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 **F32**

Textual Amendments

F32 S. 27 repealed by Rivers (Prevention of Pollution) (Scotland) Act 1965 (c. 13), Sch. 4

28 **F33**

Textual Amendments

F33 S. 28 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

PART IV

GENERAL

29 **F34**

Textual Amendments

F34 S. 29 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

30 **F35**

Textual Amendments

F35 S. 30 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

31 **F36**

Textual Amendments

F36 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.

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(2) F37

Textual Amendments

F37 S. 32(2) repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

33 F38

Textual Amendments

F38 S. 33 repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

34 F39

Textual Amendments

F39 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;

..... F40

“functions” includes powers and duties;

“land” includes land covered by water;

..... F41

[^{F42}“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]

..... F40

..... F43

..... F40

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F44

[^{F45}“SEPA” means the Scottish Environment Protection Agency;]

[^{F46}“sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;]

[^{F47}“sewage effluent” includes any effluent from the sewage disposal or sewerage works of a local authority;]

..... F40

“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—

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- (a) any body of water which does not discharge into a stream; or
- (b) any sewer vested in a [F48 sewerage] 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;

F40

- (2) F49
- (3) F50

Textual Amendments

- F40 Definitions repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4
- F41 Definitions repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F42 Definition in s. 35(1) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 38\(8\)\(a\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#)
- F43 Definition repealed by [Water \(Scotland\) Act 1967 \(c. 78\)](#), [Sch. 6 Pt. II](#)
- F44 Definitions in s. 35(1) repealed (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), [Sch. 22](#) para. 3(5)(a), Sch. 24 (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)
- F45 Definition in s. 35(1) inserted (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22](#) para. 3(5)(b), Sch. 24 (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)
- F46 Definition in s. 35(1) inserted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 38\(8\)\(b\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#)
- F47 Definition repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4
- F48 [S. 35\(1\)](#): word in paragraph (b) in definition of “stream” substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 38\(8\)\(c\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#)
- F49 [S. 35\(2\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F50 [S. 35\(3\)–\(8\)](#) repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4

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) F51
- (3) F52
- (4) F51
- (5) This Act shall extend to Scotland only.

Textual Amendments

- F51 [S. 36\(2\)\(4\)](#) repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), Sch. 4
- F52 [S. 36\(3\)](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

Status: Point in time view as at 01/04/1996.

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)

SCHEDULES

^{F53}FIRST SCHEDULE

Textual Amendments

F53 [Sch. 1](#) repealed by Control of Pollution Act 1974 (c. 40 SIF 46:4), s. 109(2), [Sch. 4](#)

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F53

^{F54}SECOND SCHEDULE

Textual Amendments

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

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F54

THIRD SCHEDULE

1 ^{F55}

Textual Amendments

F55 [Sch. 3 para. 1](#) repealed by Local Government (Scotland) Act 1973 (c. 65), [Sch. 29](#)

2 ^{F56}

Textual Amendments

F56 [Sch. 3 para. 2](#) repealed by Rivers (Prevention of Pollution) (Scotland) Act 1965 (c. 13), [Sch. 4](#)

3 ^{F57}

Textual Amendments

F57 [Sch. 3 para. 3](#) repealed by Local Government (Scotland) Act 1973 (c. 65), [Sch. 29](#)

Status: Point in time view as at 01/04/1996.

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)

F58F58 FOURTH SCHEDULE

Textual Amendments

F58 Sch. 4 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

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F58

Status:

Point in time view as at 01/04/1996.

Changes to legislation:

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