



# Environment Act 1995

## 1995 CHAPTER 25

### PART I

#### THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

### CHAPTER II

#### THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

##### *Transfer of functions, property etc. to SEPA*

#### **21 Transfer of functions to SEPA.**

- (1) On the transfer date there shall by virtue of this section be transferred to SEPA—
- (a) the functions of river purification authorities, that is to say—
    - (i) <sup>F1</sup>their functions with respect to water resources under or by virtue of Part III of the Rivers (Prevention of Pollution) (Scotland) Act 1951 (in this Part referred to as “the 1951 Act”) and Part II of the Natural Heritage (Scotland) Act 1991;]
    - (ii) their functions with respect to water pollution under or by virtue of <sup>F2</sup>Part III of the 1951 Act, the <sup>M1</sup>Rivers (Prevention of Pollution) (Scotland) Act 1965 and ]Part II of the <sup>M2</sup>Control of Pollution Act 1974;
    - (iii) <sup>F3</sup>their functions as enforcing authority, in relation to releases of substances into the environment, under or by virtue of Part I of the 1990 Act;]
    - (iv) <sup>F4</sup>their functions with respect to flood warning systems under or by virtue of Part VI of the <sup>M3</sup>Agriculture Act 1970; and]
    - (v) the functions assigned to them by or under any other enactment apart from this Act;

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- (b) the functions of waste regulation authorities, that is to say, the functions conferred or imposed on them by or under—
    - (i) the <sup>M4</sup>Control of Pollution (Amendment) Act 1989; or
    - (ii) Part II of the 1990 Act,
 or assigned to them by or under any other enactment apart from this Act;
  - (c) [<sup>F5</sup>the functions of disposal authorities under or by virtue of sections 3 to 10, 16, 17(1)(a) and 17(2)(b) to (d) of the <sup>M5</sup>Control of Pollution Act 1974;]
  - (d) [<sup>F6</sup>the functions of the chief inspector for Scotland constituted under section 16(3) of the 1990 Act, that is to say, the functions conferred or imposed on him by or under Part I of that Act or assigned to him by or under any other enactment apart from this Act;]
  - (e) [<sup>F7</sup>the functions of the chief inspector for Scotland appointed under section 4(2)(b) of the <sup>M6</sup>Radioactive Substances Act 1993, that is to say, the functions conferred or imposed on him by or under that Act or assigned to him by or under any other enactment apart from this Act;]
  - (f) [<sup>F8</sup>the functions conferred or imposed by or under the <sup>M7</sup>Alkali, &c, Works Regulation Act 1906 (in this section referred to as “the 1906 Act”) on the chief, or any other, inspector (within the meaning of that Act), so far as exercisable in relation to Scotland;]
  - <sup>F9</sup>(g) .....
  - (h) [<sup>F10</sup>the functions of local authorities as enforcing authority, in relation to releases of substances into the air, under or by virtue of Part I of the 1990 Act; and]
  - (i) the functions of the Secretary of State specified in subsection (2) below.
- (2) The functions of the Secretary of State mentioned in subsection (1)(i) above are, so far as exercisable in relation to Scotland—
- <sup>F11</sup>(a) .....
  - (b) his functions under, or under regulations made by virtue of, section 9 of the 1906 Act (registration of works), other than any functions of his as an appellate authority or any function of making regulations;
  - (c) his functions under section 19 of the <sup>M8</sup>Clean Air Act 1993 with respect to the creation of smoke control areas by local authorities; and
  - (d) [<sup>F12</sup>his functions under section 30(1) of the <sup>M9</sup>Radioactive Substances Act 1993 (power to dispose of radioactive waste).]
- <sup>F13</sup>(3) .....

Textual Amendments	
<b>F1</b>	S. 21(1)(a)(i) repealed (S.) (30.6.2014) by <a href="#">Regulatory Reform (Scotland) Act 2014</a> (asp 3), s. 61(2), <a href="#">sch. 3 para. 29(2)(a)(i)</a> ; S.S.I. 2014/160, art. 2(1)(2)
<b>F2</b>	Words in s. 21(1)(a)(ii) repealed (S.) (30.6.2014) by <a href="#">Regulatory Reform (Scotland) Act 2014</a> (asp 3), s. 61(2), <a href="#">sch. 3 para. 29(2)(a)(ii)</a> ; S.S.I. 2014/160, art. 2(1)(2)
<b>F3</b>	S. 21(1)(a)(iii) repealed (S.) (30.6.2014) by <a href="#">Regulatory Reform (Scotland) Act 2014</a> (asp 3), s. 61(2), <a href="#">sch. 3 para. 29(2)(a)(i)</a> ; S.S.I. 2014/160, art. 2(1)(2)
<b>F4</b>	S. 21(1)(a)(iv) repealed (S.) (30.6.2014) by <a href="#">Regulatory Reform (Scotland) Act 2014</a> (asp 3), s. 61(2), <a href="#">sch. 3 para. 29(2)(a)(i)</a> ; S.S.I. 2014/160, art. 2(1)(2)
<b>F5</b>	S. 21(1)(c) repealed (S.) (30.6.2014) by <a href="#">Regulatory Reform (Scotland) Act 2014</a> (asp 3), s. 61(2), <a href="#">sch. 3 para. 29(2)(a)(iii)</a> ; S.S.I. 2014/160, art. 2(1)(2)

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- F6** S. 21(1)(d) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 29(2)(a)(iii)**; S.S.I. 2014/160, art. 2(1)(2)
- F7** S. 21(1)(e) repealed (S.) (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, **sch. 7 para. 1 Table** (with reg. 78, sch. 5 para. 2)
- F8** S. 21(1)(f) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 29(2)(a)(iii)**; S.S.I. 2014/160, art. 2(1)(2)
- F9** S. 21(1)(g) repealed (26.2.2015) by The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), **6(2)(a)**
- F10** S. 21(1)(h) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 29(2)(a)(iii)**; S.S.I. 2014/160, art. 2(1)(2)
- F11** S. 21(2)(a) repealed (26.2.2015) by The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), **6(2)(b)**
- F12** S. 21(2)(d) repealed (S.) (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, **sch. 7 para. 1 Table** (with reg. 78, sch. 5 para. 2)
- F13** S. 21(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

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#### Marginal Citations

- M1** 1965 c. 13.  
**M2** 1974 c. 40.  
**M3** 1970 c. 40.  
**M4** 1989 c. 14.  
**M5** 1974 c. 40.  
**M6** 1993 c. 12.  
**M7** 1906 c. 14.  
**M8** 1993 c. 11.  
**M9** 1993 c. 12.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)