



Rivers (Prevention of Pollution) (Scotland) Act 1951

1951 CHAPTER 66

PART IV

GENERAL

Miscellaneous Provisions

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 ;

" fishery district board " means the district board for a fishery district for the purposes of the Salmon Fisheries (Scotland) Act, 1862, and includes the Commissioners appointed under the Tweed Fisheries Act, 1857;

" functions " includes powers and duties;

" land " includes land covered by water;

" large burgh " and " small burgh " have the like meanings as in the Local Government (Scotland) Act, 1947;

" local authority " means a county or town council, and includes a development corporation within the meaning of the New Towns Act, 1946, where the corporation is by virtue of an order made under subsection (2) of section nine of the said Act of 1946 entitled to exercise any powers under the Public Health (Scotland) Act, 1897, in relation to the construction of sewage disposal or sewerage works ;

" local enactment " means any local Act of Parliament, any statutory order or any provision in any such Act of Parliament or statutory order;

" local water authority " has the meaning assigned to it by section five of the Water (Scotland) Act, 1946;

Status: This is the original version (as it was originally enacted).

" navigation authority " means any persons or body of persons, whether incorporated or not, having powers under an enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock ;

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

" river purification board " and " river purification board area " have the meanings assigned to them by section two of this Act;

" sewage effluent " includes any effluent from the sewage disposal or sewerage works of a local authority;

" statutory order " means an order, byelaw, scheme or award made under an Act of Parliament, including an order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;

" 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;

" trade effluent " includes any liquid (either with or without particles of matter in suspension therein) which is discharged from any premises other than surface water and domestic sewage.

- (2) For the purposes of this Act a small burgh shall be deemed to be included in the county in the area of which it is situate.
- (3) Subject to any byelaws made by virtue of paragraph (a) of subsection (1) of section twenty-five of this Act, matter shall not be deemed for the purposes of this Act to be poisonous, noxious or polluting by reason of any effect it may have in discolouring a stream, if the discoloration is harmless and inoffensive.
- (4) For the purposes of this Act, matter shall not be deemed to enter a stream on passing from one stream to another, but the two shall be regarded as together forming a single stream.
- (5) References in this Act to any enactment shall be construed as including references to that enactment as amended by any subsequent enactment including this Act.
- (6) Nothing contained in this Act shall affect the law relating to nuisance.
- (7) Nothing contained in this Act shall affect section fifty of the Water (Scotland) Act, 1946 (which relates to temporary discharges of water by local water authorities in connection with the execution of works on any part of their undertaking) or any corresponding provisions of a local enactment, but where under the said section fifty or the said provisions notice of the intended discharge is required to 'be given to any person, notice shall also be' given to the river purification authority within whose area the stream affected by the discharge is situate.

- (8) Nothing contained in this Act shall affect sections sixty-one to sixty-three of the Water (Scotland) Act, 1946 (which authorise the making of byelaws for the purpose of protecting against pollution water which belongs to or may be taken by a local water authority) or any byelaws made thereunder.