
STATUTORY INSTRUMENTS

1994 No. 2842

The Urban Waste Water Treatment (Scotland) Regulations 1994

Samples and records

10.—(1) In this regulation—

- (a) a “relevant condition” means a condition imposed for the purposes of regulation 6(2) in a consent under Part II of the Control of Pollution Act 1974;
- (b) “the operator” means, in relation to a relevant condition, the person who operates the urban waste water treatment plant, discharges from which are authorised by the consent in which that condition is imposed.

(2) Where the operator is required by a relevant condition to provide any apparatus for the purpose of measuring or recording the rate of flow or temperature of any waste water or for the purpose of collecting samples of waste water, any such apparatus so provided shall be presumed to function correctly unless the contrary is shown.

(3) Any record produced by any such apparatus as is mentioned in paragraph (2) above shall be sufficient evidence of the matter appearing from the record and shall in any proceedings under Part II of the Control of Pollution Act 1974 be admissible in evidence.

(4) Where, in compliance with a relevant condition, a sample of waste water is collected by apparatus installed for the purpose of collecting such samples automatically, the sample shall be treated, for the purposes of section 19 of the Rivers (Prevention of Pollution) (Scotland) Act 1951⁽¹⁾ (power to take samples of effluents) as being taken by the river purification authority under that section only at the time when it is removed from that apparatus, and in any proceedings under Part II of the Control of Pollution Act 1974 it shall be presumed, unless the contrary is shown, that any sample of waste water removed from that apparatus is a sample of what was passing from the urban waste water treatment plant into receiving waters.

⁽¹⁾ 1951 c. 66; section 19(2) was substituted, and section 19(4) inserted, by the Rivers (Prevention of Pollution) (Scotland) Act 1965 (c. 13), section 10(6); and section 19(3) was amended by the Control of Pollution Act 1974 (c. 40), Schedule 3, paragraph 15 and by the Water Act 1989 (c. 15), Schedule 25, paragraph 17.