STATUTORY INSTRUMENTS

1973 No. 1244 (S.95)

RIVER, SCOTLAND

The Banff, Moray and Nairn River Purification Board (Prevention of Pollution) (Tidal Waters) Order 1973

Made - - -	10*th July* 1973
Laid before Parliament	25*th July* 1973
Coming into Operation	1*st September* 1973

In exercise of the powers conferred upon me by section 29(2) of the Rivers (Prevention of Pollution) (Scotland) Act 1951(a) and section 8 of the Rivers (Prevention of Pollution) (Scotland) Act 1965(b) and of all other powers enabling me in that behalf, on the application of the Banff, Moray and Nairn River Purification Board, having complied with the provisions of paragraphs 1 to 5 of Part 1 of Schedule 1 to the Rivers (Prevention of Pollution) (Scotland) Act 1951, I hereby order as follows:—

1. This order may be cited as the Banff, Moray and Nairn River Purification Board (Prevention of Pollution) (Tidal Waters) Order 1973 and shall come into operation on 1st September 1973.

2.—(1) In this order

"the principal Act" means the Rivers (Prevention of Pollution) (Scotland) Act 1951 as amended by and construed with the Rivers (Prevention of Pollution) (Scotland) Act 1965; and

"Act of 1965" means the said Rivers (Prevention of Pollution) (Scotland) Act 1965.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

3.—(1) The provisions of the principal Act to which this article relates shall apply to the tidal waters specified in Part 1 of the Schedule to this order (being controlled waters within the meaning of the Act of 1965).

(2) This article relates to the provisions of the principal Act which, immediately before the date of the coming into operation of this order, did not apply to the said tidal waters.

4. The provisions of the principal Act and of the Act of 1965 shall apply to the tidal waters specified in Part 2 of the Schedule to this order and those waters shall become controlled waters within the meaning of section 8 of the Act of 1965 and shall be added to Schedule 2 to that Act.

(a) 1951 c. 66.
(b) 1965 c. 13.
(c) 1889 c. 63.

5. The appointed day for the application of sections 1 to 3 of the Act of 1965 to the tidal waters specified in Parts 1 and 2 of the Schedule to this order shall be 1st September 1974.

(L.S.)

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
10th July 1973.

SCHEDULE Article 3

(In this Schedule a group of 2 letters and 8 figures identifying or associated with any point represents the map co-ordinates of that point estimated to the nearest 10 metres on the grid of the national reference system used by the Ordnance Survey on its maps and plans.)

PART 1

The tidal waters within the seaward limits of—

1. A line drawn from NH 84755680 near the fishing station to the seaward end of the east pier at NH 88885753 and thence to the Nairn-Auldearn parish boundary at NH 89915747.

2. A line drawn from the seaward end of the north pier at Branderburgh Harbour at NJ 24037117 to NJ 28956767 near Boar's Head Rock.

3. A line drawn from NJ 31556645 near Rifle Range to the seaward end of the east pier at Portgordon at NJ 39626446.

4. A line drawn from Knock Head at NJ 65866600 to Collie Rocks at NJ 70506522 and thence to NJ 72296483 at Bay of Cullen.

PART 2

The tidal waters within the seaward limits of—

A line drawn from NH 81905770 at the high water mark on the boundary between the counties of Inverness and Nairn, in a northerly direction to NH 82005900 two miles or thereby north of the Carse of Delnies, thence in a north-easterly direction to NJ 10007000 one mile or thereby north-west of Burghead, thence in a north-easterly direction to NJ 23007300 two miles or thereby north-west of Lossiemouth, thence in a south-easterly direction to NJ 40006700 in Spey Bay two miles or thereby north-west of Buckie, thence in a north-easterly direction to NJ 50007000 one mile or thereby north-east of Portknockie, thence in a south-easterly direction to NJ 83806800 one mile or thereby north-east of Troup Head and thence in a southerly direction to NJ 83806580 at the high water mark of the boundary between the counties of Banff and Aberdeen, excluding the tidal waters described in Part 1 of the Schedule and the tidal waters within the seaward limit of a line drawn across the entrance to Findhorn Bay from NJ 03206470 to NJ 3206450 as described in the Findhorn Bay (Prevention of Pollution) (Tidal Waters) Order 1967(a).

(a) S.I. 1967/399 (1967 I, p. 1335).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies to the tidal waters specified in Part 1 of the Schedule to the Order all the provisions of the Rivers (Prevention of Pollution) (Scotland) Act 1951 which do not already apply to those waters by virtue of sections 8(2) and 14 of the Rivers (Prevention of Pollution) (Scotland) Act 1965. The Order also applies to the tidal waters specified in Part 2 of the Schedule all the provisions of the Acts of 1951 and 1965, none of which now apply to the waters in question. Sections 1 to 3 of the Act of 1965 will apply to the tidal waters in question by virtue of section 8(1) of that Act and the Order fixes 1st September 1974 as the date from which these sections are to apply.