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STATUTORY INSTRUMENTS

1984 No. 853 (C.20)

PUBLIC HEALTH, ENGLAND AND WALES PUBLIC HEALTH, SCOTLAND

The Control of Pollution Act 1974 (Commencement No. 17) Order 1984

Made - - - - 22nd June 1984

The Secretary of State, in exercise of his powers under sections 104(1) and 109(2) of the Control of Pollution Act 1974 and of all other powers enabling him in that behalf, hereby makes the following order:—

1.—(1) This order may be cited as the Control of Pollution Act 1974 (Commencement No. 17) Order 1984.

(2) The Control of Pollution Act 1974 (Commencement No. 15) Order 1983, is retitled the Control of Pollution Act 1974 (Commencement No. 16) Order 1983; and article 1 thereof is amended accordingly.

2.—(1) The provisions of the Control of Pollution Act 1974 specified in column 1 of the Schedule (the subject matter of which is described in column 2) shall come into force on 4th July 1984—

(a) in the case of those provisions specified in Part I, in England, Wales and Scotland;

(b) in the case of the provision specified in Part II, in England and Wales only; and

(c) in the case of those provisions specified in Part III, in Scotland only.

(2) Paragraph (1) above shall have effect subject to any limitations set out in column 1 of the Schedule as to the extent to which any provision is brought into force, and shall not have effect in the Isles of Scilly.

SCHEDULE

PART I

ENGLAND, WALES AND SCOTLAND

Column 1 *Provisions of the Act*	*Column 2* *Subject matter of provisions*
In Part II	
Section 31(1) so far as it defines "relevant waters" for the purposes of Part II	Meaning of "relevant waters";
Section 34, except subsection (3)	Consents for discharges of trade and sewage effluent etc;
Section 35	Reference to Secretary of State of certain applications for consent;
Section 36	Provisions supplementary to sections 34 and 35;
Section 37	Revocation of consents and alteration and imposition of conditions;
Section 38(1) and (2)	Restriction on variation and revocation of consent and of previous variation;
Section 39(1), (4), (5), and (6) to (8) so far as they relate to subsection (1)	Appeals to Secretary of State;
Section 40	Transitional provisions relating to consents;
Section 42	Power of Secretary of State to exempt applications, consents and conditions etc. from publicity;
Section 54	Exclusion of certain liability in respect of discharges etc. with consent;
Section 55	Discharges by water authorities.

PART II

ENGLAND AND WALES

Column 1 *Provisions of the Act*	*Column 2* *Subject matter of provisions*
In Part VI	
Section 108(1) so far as it relates to paragraph 17 of Schedule 3.	Minor and consequential amendments of enactments.

PART III

SCOTLAND

Column 1 *Provisions of the Act*	*Column 2* *Subject matter of provisions*
In Part II	
Section 49	Deposits and vegetation in rivers etc.;
Section 56	Interpretation etc. of Part II.
In Part VI	
Section 108(1) so far as it relates to paragraphs 13, 14 and 15 of Schedule 3.	Minor and consequential amendments of enactments.

Patrick Jenkin
19th June 1984 Secretary of State for the Environment

Nicholas Edwards
21st June 1984 Secretary of State for Wales

George Younger
22nd June 1984 Secretary of State for Scotland

EXPLANATORY NOTE

This order brings into force on 4th July 1984 in England, Wales and Scotland certain provisions of Part II (Pollution of Water) of the Control of Pollution Act 1974. The provisions in question relate principally to consents for discharges of effluent or other matter and to appeals to the Secretary of State against the unreasonable withholding of consent, or against unreasonable terms contained in notices revoking or modifying a consent, or questioning the reasonableness of the period specified in any such notice. Other provisions brought into force by the order are concerned with public participation in the consent procedure, and the modification of Part II in relation to discharges by water authorities and, in Scotland, islands Councils.

The order also brings into force in Scotland sections 49 and 56 of the Act, which are already in force in England and Wales, and certain other provisions making minor and consequential amendments of enactments.

The Control of Pollution Act 1974 (Commencement No. 15) Order 1983 (S.I. 1983/1175), which was initially incorrectly numbered, is amended so as to make it number

"16".

NOTE AS TO EARLIER COMMENCEMENT ORDERS

Provision	*Date of Commencement*	*S.I. No.*
s.109 (England, Wales, Scotland, Northern Ireland)		
ss.104, 105 (England, Wales, Scotland)		
ss.43, 44, 95, 107 and 108(1) (partially) (England, Wales)	12th December 1974	1974/2039
s.108(1) and (2) (both partially) (England, Wales, Scotland)	1st January 1975	1974/2169
s.108(2) (partially) (Scotland)	3rd March 1975	1975/230
ss.75, 77, 100, 101 (England, Wales, Scotland, Northern Ireland)		
s.12(5) (partially), ss.25, 29, 30, 78, 99, 102, 103, 108(2) (partially), Sch.2 (England, Wales, Scotland)		
s.12(6) and (7) (partially), ss.17, 19–21, 26, 27(1)(a) and (2), 28 (partially), 49, 50, 56–74, Sch.1, 76, 79–87, 89–94, 96–8, 108(1) and (2) (both partially), 108(3), Sch.3 (partially), Sch.4 (partially) (England, Wales)		
s.106 (Scotland)	1st January 1976	1975/2118
ss.3–11, 16, 18(1) and (2), 22, 23, 88, Sch.3 (partially) Sch.4 (partially) (England, Wales)	14th June 1976	1976/731
ss.108(1) and (2) (both partially) (England, Wales)	20th July 1976	1976/956
s.17 (partially), s.27(1)(a) and (2), ss.57(a), 58 (partially), 59, 62, 68, 69 (partially), 70, 71(1) and (3), 72, 73 (partially), 74, 76, 84, 85, 87, 89–93, 94 (partially), 96, 98, 108(1) and (2) (both partially), 108(3), Sch.3 (partially), Sch.4 (partially) (Scotland)	18th July 1976	1976/1080
ss.12(5), 14(9), (10), (11), 108(2) (partially), Sch.4 (partially) (England)	1st April 1977	1977/336
ss.24(4) (England, Wales, Scotland), s.108(2) (partially), Sch.4 (partially) (England, Wales)	1st April 1977	1977/476
ss.3–11, 16, 17(3)(a), 18(1) and (2), 20, 88 (Scotland)	1st January 1978	1977/1587
s.2 (England, Wales)	1st July 1978	1977/2164
s.2 (Scotland)	1st September 1978	1978/816
s.13 (partially) (England, Wales)	1st August 1978	1978/954
s.108(2) (partially) (England, Wales, Scotland)	16th March 1981	1981/196

Provision	*Date of Commencement*	*S.I. No.*
ss.57(b), 58(6), 58(8) (partially), 60, 61, 63–67, 69 (partially), 71(2), 73 (partially), 79–83 (Scotland)	1st August 1982	1982/624
s.32(3) (England, Wales, Scotland)	1st August 1983	1983/1175