



# Rivers (Prevention of Pollution) Act 1961

## 1961 CHAPTER 50

### *Miscellaneous and supplemental*

#### **8 Proceedings under section 2 of principal Act**

- (1) In paragraph (b) of subsection (7) of section two of the principal Act (under which an offence under that section is punishable by a fine not exceeding fifty pounds) for the words " fifty pounds " there shall, as respects any offence committed after the commencement of this Act, be substituted the words " one hundred pounds ".
- (2) Subsection (2) of section eight of the principal Act (under which the Minister's consent is needed for a prosecution under subsection (1) of section two of the principal Act, and for an application for an order under section three of that Act) shall cease to have effect.
- (3) On the date appointed under section one of this Act, subsection (3) of section two of the principal Act (under which it is a defence to a prosecution under subsection (1) of that section to show that it was not reasonably practicable to dispose of the effluent in any other way) shall cease to have effect and, until that date, the proviso to that subsection (which suspends its operation for a certain period) shall not have effect.

#### **9 Estuaries and tidal waters**

- (1) Sections one to three of this Act shall apply to any tidal waters or parts of the sea to which any of the provisions of sections two to five of the principal Act for the time being apply (with or without modifications)—
  - (a) by virtue of an order made under section six of that Act, or
  - (b) by virtue of an order having effect as if made under that section by virtue of paragraph 9 of the Second Schedule to that Act (which relates to similar orders made under previous Acts)

as they apply to a stream, but as if, in relation to any tidal waters or parts of the sea to which the provisions of the said sections two to five, or any of them, are first applied at a time after the commencement of this Act, for references to the date appointed under section one of this Act there were substituted references to a date twelve months

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

after that time or such earlier or later date as may be specified in the order applying the said provisions.

- (2) In subsection (1) of section one of the Clean Rivers (Estuaries and Tidal Waters) Act, 1960 (which applies subsections (1) to (15) of section seven of the principal Act to controlled waters as defined in that Act), the reference to those subsections of the said section seven shall include a reference to this Act, other than sections one to three; and the said Act of 1960 shall apply to any such tidal waters or parts of the sea as are not controlled waters but are waters to which, at the commencement of this Act, any of the provisions of sections two to five of the principal Act apply by virtue of an order made, or having effect as if made, under section six of that Act as it applies to controlled waters.
- (3) For the purposes of the application of this Act and section seven of the principal Act to any tidal waters or parts of the sea (including all controlled waters) the river board shall be the one whose area includes the land or premises from which the discharge in question is or is to be made, or, as the case may be, from which the effluent is or is to be discharged by means of the new or altered outlet in question.
- (4) In performing any functions under this Act or the said section seven in relation to tidal waters or parts of the sea (including all controlled waters), a river board shall have special regard—
  - (a) to the interests of sea fisheries, and
  - (b) to the factors arising from the tidal nature of the waters and, in particular, to additional dilution due to dispersal of the effluent by tidal action, and the varying direction of flow and salinity and any other special properties of those waters.
- (5) Any tidal waters or parts of the sea adjoining the coast of a river board area shall be deemed to be included in the expression "river, stream or inland water" for the purposes of the river board's power under subsection (8) of section nine of the River Boards Act, 1948, to obtain information as to the discharge of effluents; and in subsection (5) of section one of the said Act of 1960 (under which controlled waters adjoining a river board area are to be treated as if they were included in that area for the purpose of the river board's power under section fifteen of the said Act of 1948 to take samples of effluents) the reference to the said section fifteen shall include a reference to subsection (8) of the said section nine.
- (6) The Minister may by order direct that the said Act of 1960 shall apply to any tidal waters or parts of the sea specified in the order (not being controlled waters) as it applies to controlled waters:

Provided that, in the application of that Act by virtue of an order under this subsection, (for the reference in subsection (4) of section one of that Act to its coming into force there shall be substituted a reference to the coming into force of the order.
- (7) Subsections (2) to (6) of section six of the principal Act shall apply to any order under the last foregoing subsection.
- (8) Subsection (17) of section seven of the principal Act shall cease to have effect; and for the reference to the last two subsections of the said section seven in sub-paragraph (2) of paragraph 5 of the Second Schedule to that Act (which applies sections two to eight of that Act, other than those subsections, to the Thames, Lee and London areas) there shall be substituted a reference to subsection (16) of the said section seven.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

## 10 Samples of effluent

- (1) In any legal proceedings it shall be presumed, until the contrary is shown, that any sample of effluent taken at an inspection chamber or manhole or other place provided in compliance with a condition imposed under this Act or section seven of the principal Act in relation to any waters is a sample of what was passing from the land or premises to those waters.
- (2) A river board may agree with the occupier of any land or premises from which effluent is discharged on the point or points at which, in exercise of the river board's rights under section fifteen of the River Boards Act, 1948, or under any other enactment, samples are to be taken of the effluent passing into any waters, and in any legal proceedings it shall be presumed, until the contrary is shown, that any sample of effluent taken at a point fixed under this section is a sample of what was passing from the land or premises to those waters.
- (3) An agreement under the last foregoing subsection shall have effect in relation to the land or premises notwithstanding any change of occupation, but the river board or the occupier for the time being may at any time declare that it shall cease to have effect.
- (4) In default of agreement under the foregoing provisions of this section, the river board may apply to the Minister and the Minister may, after considering any representations made to him by the occupier of the land or premises and any other person who appears to the Minister to be interested, fix the point at which samples are to be taken; and the Minister may from time to time on the application of the river board or the occupier of the land or premises review and vary any decision taken by him under this subsection.
- (5) Every river board shall maintain a register containing such particulars as the Minister may direct of sampling points fixed under the foregoing provisions of this section, and the register shall be open to inspection at all reasonable hours by any person appearing to the river board to be interested.
- (6) In subsection (2) of the said section fifteen (which provides that the result of an analysis of a sample taken under that section shall not be admissible as evidence unless certain requirements have been complied with) references to an analysis shall include references to any test of whatever kind and "analysed" and "analyst" shall be construed accordingly.

## 11 Restriction on proceedings

- (1) Subject to the principal Act, proceedings for any offence against that Act or the foregoing provisions of this Act—
  - (a) shall not be instituted except with the consent of the Attorney General or by a river board, and
  - (b) shall not be taken until the expiration of one month after notice has been given to the offender that the taking of such proceedings is being considered.
- (2) Subsections (1) and (4) of section eight of the principal Act (which are superseded by the foregoing provisions of this section) shall cease to have effect and for the reference to the said subsection (1) in paragraph 10 of the Second Schedule to the principal Act (which saves the right of certain water undertakers to prosecute) there shall be substituted a reference to subsection (1) of this section.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

## **12 Restriction of disclosure of information**

- (1) If any person discloses any information—
  - (a) which has been furnished to or obtained by him in connection with an application for consent, or the imposition of conditions, under this Act or the principal Act (including the variation of conditions, and references and applications to the Minister); or
  - (b) which is derived from a sample of effluent taken for the purposes of this Act or the principal Act,he shall be guilty of an offence, unless the disclosure is made—
  - (i) with the consent of the person by whom the information was furnished or from whom it was obtained or, in the case of information derived from a sample of effluent, of the person making the discharge in question; or
  - (ii) in connection with the execution of this Act or the principal Act; or
  - (iii) for the purposes of any proceedings arising out of this Act or the principal Act (including references and applications to the Minister) or of any criminal proceedings whether so arising or not, or for the purpose of any report of any such proceedings.
- (2) A person guilty of an offence under the foregoing subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both.
- (3) Nothing in this section shall prevent the disclosure of information derived from a sample of the waters into which an effluent is discharged.

## **13 Interpretation and construction**

- (1) In this Act " the principal Act" means the Rivers (Prevention of Pollution) Act, 1951.
- (2) This Act shall be construed as one with the principal Act, and in sub-paragraph (2) of paragraph 5 of the Second Schedule to the principal Act the reference to sections two to eight of that Act shall include a reference to the provisions of this Act.
- (3) Nothing in this Act or section seven of the principal Act shall be taken as applying to the discharge of effluent from a ship or vessel.
- (4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

## **14 Financial provisions**

- (1) There shall be paid out of money provided by Parliament any increase in the sums so payable under any Act other than this Act which is attributable to the provisions of this Act.
- (2) There shall be paid into the Exchequer any sums falling to be so paid in consequence of any of the provisions of this Act.

## **15 Short title, citation, extent, repeals and commencement**

- (1) This Act may be cited as the Rivers (Prevention of Pollution) Act, 1961.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (2) This Act and the Rivers (Prevention of Pollution) Acts, 1951 and 1960, may be cited together as the Rivers (Prevention of Pollution) Acts, 1951 to 1961.
- (3) This Act shall not extend to Scotland or Northern Ireland.
- (4) The Acts mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.
- (5) Save as otherwise expressly provided, this Act shall come into force at the expiration of two months beginning with the date on which it is passed.