



# Public Health Act 1961

## 1961 CHAPTER 64

### PART V

#### TRADE EFFLUENTS

##### *Farming, scientific research and other special cases*

#### **63 Effluents from farms and premises used for scientific research**

- (1) For the purposes of the definition of "trade premises" in subsection (1) of section fourteen of the Act of 1937, any land or premises used or intended to be used (in whole or in part and whether for profit or not)—
- (a) for agricultural or horticultural purposes, or
  - (b) for scientific research or experiment,
- shall be deemed to be premises used for carrying on a trade or industry, and for the purposes of the definition in that subsection of "trade effluent" the expression "trade or industry" shall include agriculture, horticulture and scientific research or experiment.
- (2) Subject to the provisions of this section, if at the commencement of this Act, or at any earlier time not more than one year before the commencement of this Act, there was being discharged from any premises any quantity of effluent which would fall within the definition of trade effluent as amended by this section (but not as unamended), none of the restrictions imposed by sections one and two of the Act of 1937 shall by virtue of subsection (1) of this section apply in relation to the discharge from those premises of trade effluent of the same nature and composition—
- (a) during the period of twelve months beginning with the commencement of this Act, and
  - (b) if before the end of the said period of twelve months a trade effluent notice is duly served under section two of the Act of 1937 regarding the discharge from those premises of trade effluent of that nature and composition, either during the said period of twelve months or at any later time permitted under the next following subsection.

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- (3) Where such a trade effluent notice has been served before the end of the said period of twelve months, the exemption conferred by subsection (2) of this section shall continue—
- (a) until the local authority give their consent under the Act of 1937, or give notice to the owner or occupier of the trade premises that they refuse to give their consent, and
  - (b) for a further three months beginning with the giving of the consent, or of notice refusing the consent,
- and if before the expiration of the said period of three months an appeal is brought under section three of the Act of 1937 by reference to the trade effluent notice, the exemption shall continue until the appeal is withdrawn or finally disposed of.
- (4) The exemptions conferred by subsection (2) and subsection (3) of this section shall apply only if and so long as the quantity of the trade effluent in question discharged from the premises into the sewer on any one day does not exceed the maximum quantity thereof so discharged on any one day during the period of twelve months ending immediately before the commencement of this Act, and the exemption conferred by virtue of subsection (3) of this section shall apply only in relation to the discharge of trade effluent in accordance with the trade effluent notice.
- (5) The amendments made by subsection (1) of this section shall not apply for the purposes of subsection (1) of section four of the Act of 1937 and those amendments shall not apply for the purposes of subsection (2) of the said section four except in relation to the closing of a drain or sewer after the commencement of this Act.
- (6) The owner or occupier of any trade premises from which any effluent which falls within the definition of trade effluent by virtue of subsection (1) of this section is discharged into a sewer shall, if requested by the local authority in writing so to do, furnish to the local authority such information specified in the request as he can reasonably be expected to supply with respect to the discharge of any effluent from those premises during the period of one year ending with the commencement of this Act.
- (7) A person who fails to comply with a request for information under the last foregoing subsection shall be liable to a fine not exceeding five pounds.
- (8) Nothing in this Part of this Act shall affect any agreement duly made before the commencement of this Act between a local authority and the owner or occupier of any premises with respect to the discharge from those premises of any effluent which would fall within the definition of trade effluent as amended by subsection (1) of this section (but not as unamended).

## **64 Power to extend Act of 1937 to other effluents**

- (1) The Minister may by order provide that the Act of 1937 and this Part of this Act shall apply in relation to liquid or other matter of any description specified in the order which is discharged from any premises into public sewers as they apply in relation to trade effluents, but subject to such modifications, if any, as may be specified in the order, and in particular subject to any modification of the definition of trade premises in the Act of 1937 which may be so specified.
- (2) The Minister may include in an order under this section such provisions as appear to him expedient for modifying any enactment relating to sewage as that enactment

applies in relation to the discharge into sewers of any liquid or other matter to which any provisions of the Act of 1937 are applied by an order under this section.

- (3) The Minister may include in an order under this section such transitional, supplemental and incidental provisions as appear to him to be expedient.
- (4) An order made under this section may be varied or revoked by a subsequent order.
- (5) An order under this section shall be made by statutory instrument and the Minister shall not make an order under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

## **65 Laundries**

- (1) If a local authority apply to the Minister and satisfy him that the discharge of trade effluent under the exemption conferred by subsection (4) of section four of the Act of 1937 (which exempts laundries from certain requirements contained in that Act) is likely to overload any sewers, or to make the treatment or disposal of sewage from any sewers specially difficult or expensive, or that there are other exceptional circumstances, the Minister may by order provide that the said subsection (4) shall not apply to premises specified in the order.
- (2) An order under this section may designate particular premises in the district of the local authority, or may be made to apply to premises throughout the district, or to premises in any part of the district specified in the order.
- (3) A local authority shall take such steps as appear to them to be appropriate for bringing any application under this section to the attention of those who may be affected and affording them an opportunity of making representations to the Minister.
- (4) After an order is made under this section the local authority shall publish a notice of the order on at least two occasions in a local newspaper circulating in their district.
- (5) On the coming into force of an order under this section the local authority shall treat any trade effluent notice served on them before the coming into force of the order as regards any premises affected by the order as being an application for consent under subsection (1) of section one of the Act of 1937 to the discharge of trade effluents in accordance with the trade effluent notice and, if the local authority fail to give that consent within two months from the coming into force of the order the occupier of the premises may appeal to the Minister under section three of the Act of 1937.
- (6) No consent under subsection (1) of section one of the Act of 1937 shall be required by virtue of the making of an order under this section for the discharge of trade effluents in accordance with a trade effluent notice served on the local authority before the coming into force of the order for the period of three months beginning with the date on which the order comes into force, and if within that period an appeal is brought under section three of the Act of 1937 by reference to the trade effluent notice, no consent shall be so required until the appeal is withdrawn or finally disposed of:

Provided that this subsection shall only apply if and so long as the quantity of trade effluent discharged from the premises in pursuance of the trade effluent notice on any one day does not exceed the maximum quantity so discharged on any one day during the period of twelve months ending with the coming into force of the order.

- (7) Nothing in section fifty-five or section fifty-seven of this Act shall authorise the imposition of any charge or condition in relation to the discharge of a trade effluent

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to which the exemption conferred by subsection (4) of section four of the Act of 1937 for the time being applies.

(8) An order made under this section may be varied or revoked by a subsequent order.