



# Public Health Act 1961

## 1961 CHAPTER 64

### PART V

#### TRADE EFFLUENTS

##### *Supplemental*

#### **66 Appeals to the Minister**

- (1) At any stage of the proceedings on an appeal or reference to the Minister under section three, or subsection (5) of section four, of the Act of 1937, or under any provision of this Part of this Act, the Minister may, and if so directed by the High Court shall, state in the form of a special case for the decision of the High Court any question of law arising in those proceedings ; and the decision of the High Court on the special case shall be deemed to be a judgment of the Court within the meaning of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals on any judgment of the High Court), but no appeal to the Court of Appeal shall be brought by virtue of this subsection except with the leave of the High Court or the Court of Appeal.
- (2) The Act of 1937 and this Part of this Act shall apply in relation to any consent or direction given, or condition imposed, by the Minister on an appeal concerning the exercise of the powers of a local authority under any provision of the Act of 1937 or this Part of this Act as if the consent or direction had been given or, as the case may be, the condition had been imposed by the local authority under that provision.

#### **67 Recording and testing of trade effluents**

- (1) Any meter or apparatus provided in pursuance of the Act of 1937 or this Part of this Act in any trade premises for the purpose of measuring, recording or determining the volume, rate of discharge, nature or composition of trade effluent discharged from those premises shall in any proceedings be presumed to register accurately until the contrary is shown.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The powers of entry conferred by section two hundred and eighty-seven of the Public Health Act, 1936, as applied to this Part of this Act, shall extend to entry for the purpose of reading any meter or other recording apparatus provided in any premises in pursuance of the Act of 1937 or this Part of this Act for the purpose of assessing any charge.
- (3) In subsection (2) of section ten of the Act of 1937 (which provides that the result of an analysis of a sample of trade effluent 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 " in that subsection shall be construed accordingly.

## **68 Restriction of disclosure of information**

- (1) If any person discloses any information which has been furnished to him under the Act of 1937 or this Part of this Act he shall be guilty of an offence, unless the disclosure is made—
  - (a) with the consent of the person by whom the information was furnished; or
  - (b) in connection with the execution of the Act of 1937 or this Part of this Act; or
  - (c) for the purposes of any proceedings arising out of the Act of 1937 or this Part of this Act (including appeals and applications to the Minister and arbitrations) 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.

## **69 Explanation of Act of 1937**

- (1) It is hereby declared that nothing in the Act of 1937 or this Part of this Act authorises the discharge of any effluent into a public sewer otherwise than by means of a drain or sewer as defined in the Public Health Act, 1936.
- (2) It is hereby declared that the power of the Minister to amend or adapt local Acts under subsection (1) of section twelve of the Act of 1937, as applied to this Part of this Act, applies to local Acts coming into force after, as well as before, that Act.

## **70 Copies of directions by local authorities to be available to the public**

A copy of every direction given by a local authority under this Part of this Act, certified by the clerk of the local authority, shall be kept by the local authority at their offices so as to be available at all reasonable times for inspection and copying by any person, upon payment of a fee of sixpence for each inspection.

## **71 Amendment of s. 22 of London County Council (General Powers) Act, 1953**

In section twenty-two of the London County Council (General Powers) Act, 1953, references to the Act of 1937 shall include references to this Part of this Act, and the Minister in exercising his power of making orders under that section may apply this Part of this Act subject to such modifications as appear to him expedient.