

SCHEDULES

SECOND SCHEDULE

Section 1.

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

Adaptations of River Boards Act, 1948

- 1 (1) The duty of a river board under subsection (1) of section nine of the River Boards Act, 1948, in exercising the functions conferred on or transferred to them by that Act, to conserve so far as practicable the water resources of their area shall apply also to the exercise of their functions under this Act.
- (2) Where, in the case of an area not included in a river board area before the coming into force of this Act, functions under this Act which become exercisable by the river board in relation to the area at the time when it is first so included, or functions substantially 'the same under some other Act, cease at that time to be exercisable in relation to the area by some other body, the provisions of the River Boards Act, 1948, relating to the transfer of functions to a river board by or under that Act ice to maters arising out of any such transfer shall apply as if there were at that time a transfer under section four of that Act to the river board of the functions in relation to that area then ceasing to be exercisable by the other body.
- 2 (1) Notwithstanding anything in the River Boards Act, 1948, a river board area shall, for the purposes of the functions of the river board relating to river pollution, include any tidal waters or parts of the sea adjoining the coast of the river board area to Which any of the provisions of sections two to five or section seven of this Act for the time being apply by virtue of an order under section six of this Act.
- (2) 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, watercourse or inland water " for the purposes of the river board's powers under section fifteen of the said Act of 1948 (which gives power to take samples of effluents).
- 3 For the purposes of a river board's functions relating to river pollution, sections sixteen and seventeen of the River Boards Act, 1948 (which confer powers of entry and inspection and penalise persons obstructing the exercise of those powers), shall apply in relation to vessels as they 'apply in relation to kind.
- 4 (1) In relation to a river board's bye-laws under this Act, subsection (4) of section eighteen of the River Boards Act, 1948 (which provides among other things that Ministers when confirming a river board's bye-laws may modify them, subject to the consent of the river board), shall have effect with the substitution of the words " after consultation with the river board " for the words "subject to the consent of the river board."
- (2) A river board's bye-laws under this Act shall not be confirmed under the said subsection (4) without a public local inquiry, if any written objection to their confirmation has been received by the Ministers and has not been withdrawn;

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

Provided that this sub-paragraph shall not apply to any objection if in the opinion of the Ministers the person making it has no material interest in the stream or part of a stream to which the bye-laws relate.

- (3) Nothing in section thirty-four of the said Act of 1948. shall enable the powers of the Ministers under that Act in relation to the making of bye-laws under this Act to be exercised by one of them without the other.
- (4) In this paragraph the expression " the Ministers " means the Minister and the Minister of Agriculture and Fisheries.

Adaptations for Thames, Lee and London areas

- 5 (1) Where immediately before the coming into force of this Act the functions relating to river pollution of the rivers authority for an excluded area are exercisable in relation to any tidal waters in that area, those tidal waters shall be included in the expression " stream " for the purposes of this Act.
- (2) Subject to the foregoing sub-paragraph, sections two to eight of this Act (except the last two subsections of section seven) shall apply in relation to any excluded area as if it were a river board area and as if the rivers authority for the area were a river board.
- (3) The Minister may by order direct that all or any of the provisions of sections fifteen to twenty, section twenty-two and section twenty-four of the River Boards Act, 1948, as amended by this Act (which sections contain supplementary provisions as to the powers and procedure of river boards and similar matters) shall apply for the purpose of the functions under this Act of the rivers authority for any excluded area as if the authority were a river board and their area a river board area, subject to such modifications as may be specified in the order.
- (4) Where a local Act or statutory order, for the purpose of any functions of a rivers authority relating to river pollution, made provision similar to any of the said provisions of the River Boards Act, 1948, an order of the Minister under the last foregoing sub-paragraph may apply the provision so made, instead of that of the said Act of 1948, or may apply the provision of the said Act of 1948 for the purpose of any functions of the rivers authority to which the provision made by the local Act or statutory order applied, as well as for the purpose of 'their functions under this Act.
- (5) In this paragraph, the expression " rivers authority " means, in relation to any excluded area, the authority by which this Act is to be enforced in that area.
- 6 All payments by the Conservators of the River Thames for and on account of this Act shad be made out of the conservancy fund within the meaning of section one hundred and eighty-nine of the Thames Conservancy Act, 1932.

General transitional provisions

- 7 (1) A person who brings into use any new or altered outlet for the discharge of trade or sewage effluent to any waters in or adjoining the coast of any area, or begins to make any new discharge of trade or sewage effluent to any such waters, shall be deemed for the purposes of section seven of this Act to do so with the consent of the river board (or, in a case to which the penultimate subsection of that section applies, to have complied with that subsection) if—

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

- (a) he does so within three months of the time when the area is first included in a river board area ; and
 - (b) where he was or but for this Act would have been required to give notice of his intention so to do by a provision corresponding to the said section seven which immediately before that time was in force in that area, he complied with the requirements of that provision.
 - (2) For the purposes of this paragraph the provisions corresponding to section seven of this Act shall be taken to be subsection (2) of section eight of the Salmon and Freshwater Fisheries Act, 1923, and any similar provision contained in a local Act or statutory order and requiring notice to be given to the council of a county, county borough or county district, or to a joint board or joint committee of any such councils, for the purpose of their functions relating to river pollution.
 - (3) This paragraph shall not apply to any area originally excluded from section one of the River Boards Act, 1948.
- 8 (1) Any proceedings begun before the coming into force of this Act—
- (a) for an order of the county court under section ten of the Rivers Pollution Prevention Act, 1876 ; or
 - (b) for an order of the county court or of a court of summary jurisdiction under any similar provision contained in a local Act or statutory order;
- may be carried on, and any order made in any such proceedings (whether before or after the coming into force of this Act) shall continue in force, and any further proceedings may be had by virtue of or in relation to any order so made, as if this Act had not been passed.
- (2) Subsection (2) of section three of this Act shall apply to any such order as is mentioned in paragraph (a) or (b) of the foregoing sub-paragraph, as it applies to an order under subsection (1) of that section.
- 9 Any order under section twenty of the Rivers Pollution Prevention Act, 1876, or under section fifty-five of the Salmon and Freshwater Fisheries Act, 1923, which is in force at the coming into force of this Act shall have effect, for the purposes of this Act, as if it were an order under section six of this Act and extended sections two to five and section seven (except the two last subsections) of this Act to the waters which, by virtue of the order, were included in the definition of " stream " for the purposes of the said Act of 1876.
- 10 Where by any provision contained in a local Act or statutory order power is immediately before the coming into force of this Act conferred on a body carrying on a water undertaking to enforce the Rivers Pollution Prevention Act, 1876, for the protection of that undertaking, then that provision shall have effect as if conferred on that body power to enforce section two of this Act for the same purposes and subject to the same conditions and restrictions, if any (other (than the conditions and restrictions imposed by the said Act of 1876), and accordingly for the purpose of proceedings taken in the exercise of that power—
- (a) subsection (1) of section eight of this Act shall not apply ; and
 - (b) section three and subsections (2) and (5) of section eight of this Act shall apply as if references to a river board were references to that body.

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

Power to make further provision with respect to local Acts and statutory orders

- 11 (1) The Minister may by order make such further provision as appears to him necessary or expedient in consequence of this Act for adapting to this Act any local Act or statutory order which contains provisions relating to river pollution, for amending or repealing any such Act or order and for making any savings or additional savings from the effect of any repeal made by or under this Act of the whole or part of any such Act or order, including any provision appearing to him to be necessary or expedient as aforesaid by reason of any order made or proposed to be made under section seven of the River Boards Act, 1948 (which provides for bringing into river board areas areas originally excluded from section one of that Act), or under any other provision of this Act.
- (2) Any order made under this paragraph, with respect to any local Act or statutory order, if objected to by any authority authorised to enforce this Act and having functions under the local Act or statutory order, or by any local authority having such functions, shall be subject to special parliamentary procedure.

Supplementary

- 12 (1) Any order of the Minister under this Schedule may be varied or revoked by a subsequent order made by him.
- (2) Any power of the Minister to make an order under this Schedule shall be exercisable by statutory instrument.