
STATUTORY INSTRUMENTS

1965 No. 654

The London Government Order 1965

Trade effluent

24.—(1) In this article—

“the Act of 1937” means the Public Health (Drainage of Trade Premises) Act 1937;

“the Act of 1953” means the London County Council (General Powers) Act 1953;

“the Act of 1961” means the Public Health Act 1961;

“the Act of 1962” means the London County Council (General Powers) Act 1962;

“trade effluent” has the same meaning as in the Act of 1937.

(2) With respect to any discharge of trade effluent which immediately before 1st April 1965 is subject to conditions imposed under section 10 of the Act of 1953 the following provisions shall have effect on and after that date:—

- (a) the provisions of sections 2 and 3 of the Act of 1937 shall not apply in relation to the discharge but for the purposes of section 1 of that Act consent to the discharge of trade effluent shall be deemed to have been given under the said section 2;
- (b) conditions imposed under section 10 of the Act 1953 or section 7 of the Act of 1962 and charges imposed under section 5 of the Act of 1962 shall continue in force (whether or not they could have been imposed under the Act of 1937 or the Act of 1961) and, subject to the provisions of this order, may be enforced or recovered and varied by the Greater London Council as if they had been included in conditions attached to a consent given by that council under section 2 of the Act of 1937;
- (c) with respect to the variation of such conditions and charges section 60 of the Act of 1961 shall have effect as if the words “under subsection (3) of section two of the Act of 1937” in subsection (1) thereof were omitted and as if the reference in subsection (2) thereof to the date of the consent were a reference to the date when the conditions imposed under section 10 of the Act of 1953 came into force;
- (d) notwithstanding the provisions of paragraph (b), where immediately before 1st April 1965 particulars of such conditions and charges as are mentioned therein are, by virtue of the provisions of section 16 of the Act of 1953 or section 6 of the Act of 1962, included in any register of trade premises, they shall continue to be registered on and after that date and any register continued in operation by virtue of this paragraph shall remain subject to the provisions to which it is subject immediately before 1st April 1965 under subsection (3) of the said section 16 or, as the case may be, under subsection (5) of the said section 6.

(3) Where, in the case of any discharge of trade effluent which is not subject to conditions imposed under section 10 of the Act of 1953, charges imposed under section 5 of the Act of 1962 or conditions imposed under section 7 of that Act are in force with respect to that discharge immediately before 1st April 1965, such charges or conditions shall continue in force on and after that date (whether or not they could have been imposed under the Act of 1961) and, subject to the provisions of this order, may be enforced, recovered or varied by the Greater London Council as if the discharge of trade effluent were exempted under section 4(2) of the Act of 1937 and the charges or conditions had been imposed by that council under section 55 or 57 of the Act of 1961 by a direction given (in

the case of charges) on the date on which the occupier of the premises in question was first required to pay the charges pursuant to section 5 of the Act of 1962 or (in the case of conditions) on the date on which notice of a direction imposing the conditions was given under section 7 of the Act of 1962.

(4) Where, immediately before 1st April 1965, particulars of such charges and conditions are, by virtue of the provisions of section 16 of the Act of 1953 or section 6 of the Act of 1962, included in any register of trade premises, they shall continue to be registered on and after that date, and any register continued in operation by virtue of this paragraph shall remain subject to the provisions to which it is subject immediately before 1st April 1965 under subsection (3) of the said section 16 or, as the case may be, under subsection (5) of the said section 6.

(5) Where immediately before 1st April 1965 there is in force with respect to the discharge of trade effluent from any premises in the sewerage area of the Greater London Council as constituted on 1st April 1965 any consent, direction, condition or charge duly given or imposed under the Act of 1937 or the Act of 1961, that consent, direction, condition or charge shall on and after that date be deemed to have been given or imposed as aforesaid by the Greater London Council.

(6) Where immediately before 1st April 1965 there is in force with respect to the discharge of trade effluent from any premises in Greater London outside the sewerage area of the Greater London Council as constituted on 1st April 1965 any consent, direction, condition or charge duly given or imposed under the Act of 1937 or the Act of 1961, that consent, direction, condition or charge shall on and after that date be deemed to have been given or imposed as aforesaid by the council of the London borough in which the premises in question are situate.

(7) Any agreement in force immediately before 1st April 1965 with respect to the discharge into a sewer of trade effluent from any premises in the sewerage area of the Greater London Council as constituted on 1st April 1965 duly made between the London County Council, the Common Council or the council of a metropolitan borough or county district and the owner or occupier of the premises shall on and after that date have effect (subject to any necessary modifications) as if it were an agreement duly made between the Greater London Council and such owner or occupier.

(8) Any agreement in force immediately before 1st April 1965 with respect to the discharge into a sewer of trade effluent from any premises duly made between the council of the county district in which the premises were then situated, the county council of Middlesex and the owner or occupier of the premises shall on and after that date have effect (subject to any necessary modifications) as if it were an agreement duly made between the council of the London borough or county district in which the premises are situated, the Greater London Council and such owner or occupier.

(9) Any agreement in force immediately before 1st April 1965 with respect to the discharge into a sewer of trade effluent from any premises in a part of Greater London which is not within the sewerage area of the Greater London Council as constituted on 1st April 1965 duly made between the council of the county district in which the premises were then situated and the owner or occupier of the premises shall on and after that date have effect (subject to any necessary modifications) as if it were an agreement duly made between the council of the London borough in which the premises are situated and such owner or occupier.

(10) Agreements made under section 7 of the Act of 1937 or section 11 of the Act of 1953 to which by virtue of the provisions of this article the council of a London borough or the Greater London Council becomes a party shall be deemed for the purposes of section 7(3) of the Act of 1937 to have been entered into by that council in pursuance of the said section 7.

(11) Where an area is first included in the sewerage area of the Greater London Council by virtue of an order under section 39(1)(b) of the Act which comes into operation after 1st April 1965 the following provisions shall have effect:—

- (a) where immediately before the day when the order comes into operation there is in force with respect to the discharge of trade effluent from any premises in the area in question any consent, direction, condition or charge duly given or imposed under the Act of 1937 or

the Act of 1961, that consent, direction, condition or charge shall on and after the said day be deemed to have been given or imposed as aforesaid by the Greater London Council;

- (b) any agreement in force immediately before the said day with respect to the discharge into a sewer of trade effluent from any premises in the area in question duly made, or having effect as if made, between the council of a London borough or county district and the owner or occupier of the premises shall on and after the said day have effect (subject to any necessary modifications) as if it were an agreement duly made between the Greater London Council and such owner or occupier.