
STATUTORY INSTRUMENTS

1974 No. 2039 (C. 33)

**PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
PUBLIC HEALTH, NORTHERN IRELAND
WATER, ENGLAND AND WALES**

The Control of Pollution Act 1974
(Commencement No. 1) Order 1974

Made - - - - 5th December 1974

The Secretary of State, in exercise of his powers under section 109(2) of the Control of Pollution Act 1974 and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Control of Pollution Act 1974 (Commencement No. 1) Order 1974.
2. The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.
3. The provisions of the Control of Pollution Act 1974 which are specified in column 1 of the Schedule to this order (as respects England, Wales, Scotland and Northern Ireland as specified in Part I, as respects England, Wales and Scotland as specified in Part II and as respects England and Wales only as specified in Part III of the said Schedule respectively) and which relate to the subject matter specified in column 2 thereof shall come into force on 12th December, 1974.

5th December 1974

Anthony Crosland
One of Her Majesty's Principal Secretaries of
State

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SCHEDULE

PART I

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
<i>In Part VI</i>	
Section 109	Short title, commencement and extent.

PART II

ENGLAND WALES AND SCOTLAND

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
<i>In Part VI</i>	
Section 104	Orders and regulations.
Section 105	Interpretation etc.—general.

PART III

ENGLAND AND WALES

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
<i>In Part II</i>	
Section 43	Control of discharges into sewers.
Section 44	Provisions supplementary to section 43.
<i>In Part V</i>	
Section 95	Service of documents on and by water authorities.
<i>In Part VI</i>	
Section 107	Application to Isles of Scilly.
Section 108(1) so far as it applies to paragraph 27 of Schedule 3	Minor and consequential amendments of enactments and repeals. Compulsory purchase of land for the purposes of section 14 of the Water Act 1973.

EXPLANATORY NOTE

This Order brings certain provisions of the Control of Pollution Act 1974 into force on 12th December, 1974. Sections 43 and 44 relate to the discharge of trade effluent to public sewers and provide for the application of full control under the Public Health (Drainage of Trade Premises) Act 1937 and the Public Health Act 1961 to certain discharges for which consent has not previously been required. The sections will not take effect for this purpose until a day to be appointed by order under section 44(5), but there is provision in section 43(2) for the automatic grant on that day of deemed consent for a previously exempt discharge, entitlement to which is conditional on the giving of notice about the discharge to the water authority within the period of 6 months beginning with the date of the passing of the Act (i.e. 31st July, 1974).

The bringing into force of section 108(1) in so far as it applies to paragraph 27 of Schedule 3 to the Act preserves for the purposes of section 14 of the Water Act 1973 the compulsory purchase powers of section 306 of the Public Health Act 1936 repealed by the Local Government Act 1972.

Sections 43, 44, 95, 107 and 108(1) in its application to paragraph 27 of Schedule 3, apply to England and Wales only.