

1976 No. 1638

**PUBLIC HEALTH, ENGLAND AND WALES**

**The Control of Pollution (Repeal of Local Enactments)  
Order 1976**

*Made* - - - 1st October 1976  
*Laid before Parliament* 13th October 1976  
*Coming into Operation* 3rd November 1976

The Secretary of State for the Environment, in exercise of his powers under sections 104(1) and 108(3) of the Control of Pollution Act 1974(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation and commencement*

1. This order may be cited as the Control of Pollution (Repeal of Local Enactments) Order 1976 and shall come into operation on 3rd November 1976.

*Interpretation*

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order, unless the context otherwise requires—

“the Act” means the Control of Pollution Act 1974, and any reference in this order to a numbered section shall be construed as a reference to the section bearing that number in the Act;

“the Authority” means the Yorkshire Water Authority;

“the operative date” means the date of coming into operation of this order.

(3) Any reference in this order to a numbered article shall be construed as a reference to the article bearing that number in this order.

*Repeal of local Acts*

3. Subject to the provisions of articles 5 and 6, the enactments specified in Schedule 1 to this order are hereby repealed to the extent mentioned in column (3) thereof.

*Revocation of local orders*

4. Subject to the provisions of articles 5 and 6, the orders specified in Schedule 2 to this order are hereby revoked to the extent mentioned in column (3) thereof.

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(a) 1974 c. 40.

(b) 1889 c. 63.

*Deemed consent for certain authorised discharges*

5.—(1) Where any discharges of trade effluent from any premises in the area of the Authority into a sewer were authorised immediately before the operative date by virtue of any enactment or order repealed or revoked by this order, or by virtue of any regulation or other instrument, or any agreement, which ceases to have effect in consequence of any repeal or revocation effected by this order, the provisions of any such authorisation (in this article referred to as “a relevant authorisation”) shall continue in force subject to any conditions as to charges or otherwise attaching thereto by virtue of the relevant enactment, instrument or agreement (in this article referred to as “relevant conditions”) in accordance with the provisions of this article but not otherwise.

(2) As soon as may be, the authority shall give notice in writing to every owner or occupier of any trade premises who appears to them to have been entitled to the benefit of any relevant authorisation immediately before the operative date—

- (a) informing him of the effect of this order, and
- (b) requiring him to furnish to the Authority, within two months of receipt of the notice, such particulars as the notice may specify (in this article referred to as “the required particulars”) concerning any discharges of trade effluent which were being made from the said premises into a sewer by virtue of the relevant authorisation immediately before the operative date.

(3) Where any discharges of trade effluent from any premises in the area of the Authority into a sewer were authorised by virtue of a relevant authorisation immediately before the operative date, and the owner or occupier of the premises furnishes the required particulars in relation thereto in accordance with paragraph (2) above, consent shall be deemed to be duly given by the Authority, on the day on which the required particulars are received by them, for such discharges from the premises into the sewer after that day as were authorised by virtue of the relevant authorisation immediately before the operative date, and shall be deemed to be given subject to any relevant conditions.

(4) Where immediately before the operative date a relevant authorisation is in force in relation to any discharges of trade effluent from any premises in the area of the Authority, that authorisation shall continue to have effect, subject to any relevant conditions, for the following period and no longer, that is to say—

- (a) until the Authority give notice in writing in pursuance of paragraph (2) above, and thereafter only
- (b) until the expiration of the relevant period of two months mentioned in paragraph (2)(b) above or the date on which the required particulars relating to the discharges are received by the Authority, whichever event shall first happen.

(5) Where any consent is deemed to be given by virtue of paragraph (3) above, the Authority may at any time thereafter, and shall if it is requested to do so at any time thereafter by any person entitled to make a discharge in pursuance of the consent, by a notice served on the owner and any occupier of the premises cancel the deemed consent and, subject to article 6, give its actual consent for such discharges as were authorised by the deemed consent.

*Application of certain provisions of sections 43 and 44*

6.—(1) Where an actual consent is given by a notice served in pursuance of paragraph (5) of article 5, the provisions of subsections (4) and (5) of section 43, and of any regulation made under the said subsection (5), shall have effect, subject to any necessary modifications, in relation to that consent and that notice as if the consent were an actual consent given in pursuance of subsection (3) of the said section 43 and the notice were a notice served under that subsection.

(2) The provisions of subsection (1) of section 44 shall apply to an actual consent given in pursuance of paragraph (5) of article 5 as they apply to an actual consent given in pursuance of section 43.

(3) The provisions of subsection (4) of section 44 shall apply to a notice given in pursuance of paragraph (5) of article 5 as they apply to a notice given in pursuance of subsection (3) of section 43.

*Discharges through new drains or sewers*

7.—(1) Where in relation to any premises having a drain or sewer communicating with a public sewer—

- (a) the Authority, acting in pursuance of section 42 (power of water authority to alter drainage system of premises) of the Public Health Act 1936(a), have closed that drain or sewer (in this regulation referred to as “the old drain or sewer”), and, after the operative date, have provided instead of it, in pursuance of the said section 42, another drain or sewer (in this regulation referred to as “the new drain or sewer”) communicating with a public sewer, and
- (b) immediately before the date on which the old drain or sewer was so closed a consent of the water authority had effect, either as a deemed consent or as an actual consent, by virtue of article 5 in relation to a discharge of trade effluent through the old drain or sewer into the public sewer with which it communicated,

that consent shall have effect, subject to any necessary modifications, as a deemed consent or an actual consent under article 5, as the case may be, in relation to any discharge through the new drain or sewer into the public sewer with which it communicates.

(2) Where any consent has effect by virtue of paragraph (1) above, the provisions of the Public Health (Drainage of Trade Premises) Act 1937(b), of Part V (Trade Effluents) of the Public Health Act 1961(c), and of Part II (Pollution of Water) of the Act shall have effect in relation to that consent in like manner as they had effect in relation thereto before the old drain or sewer was closed.

(3) In this article any reference to a consent includes a reference to any conditions to which that consent is subject.

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(a) 1936 c. 49.

(b) 1937 c. 40.

(c) 1961 c. 64.

Article 3

SCHEDULE 1  
REPEAL OF ENACTMENTS

(1) Chapter	(2) Short title	(3) Extent of repeal
1905 c. ccv	The Halifax Corporation Act 1905 ... ..	Part II
1906 c. lxxxiv	The Huddersfield Corporation Act 1906 ... ..	Part II
1913 c. cxii	The Morley Corporation Act 1913 ... ..	Part V
1914 c. clix	The Ossett Corporation Act 1914 ... ..	Part II
1915 c. lxxiv	The Dewsbury Corporation Act 1915 ... ..	Part V

Article 4

SCHEDULE 2  
INSTRUMENTS REVOKED

(1) Chapter	(2) Short title	(3) Extent of revocation
1912 c. cxxx	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1912	Article III of the Huddersfield Order 1912 as set out in the Schedule
1925 c. lxxxiii	The Ministry of Health Provisional Orders Confirmation (No. 7) Act 1925	The Huddersfield Order 1925 as set out in the Schedule
1949 c. xxvii	The Ministry of Health Provisional Order Confirmation (Morley) Act 1949	The Morley Corporation Order 1949 as set out in the Schedule

1st October 1976.

*Peter Shore,*  
Secretary of State for the Environment.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Under section 108(3) of the Control of Pollution Act 1974, the Secretary of State may repeal any provision of any local Act passed before 31st July 1974 (including an Act confirming a provisional order), if it appears to him that the provision relates to trade effluent.

Articles 3 and 4 of this Order repeal or revoke provisions in five local Acts and three provisional orders, all of which relate to the discharge of trade effluent from premises in the area of the Yorkshire Water Authority. Articles 5 and 6 enable certain discharges of trade effluent to sewers, which were previously authorised under those local Act provisions, to receive continued authorisation, subject to the relevant provisions of the Control of Pollution Act 1974. Article 7 preserves, for an owner or occupier of trade premises for whom the Authority provide an alternative drain or sewer under section 42 of the Public Health Act 1936, the benefit of any deemed or actual consent given under this Order in respect of a discharge already being made through a drain or sewer which has to be closed.

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STATUTORY INSTRUMENTS

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