

1976 No. 958

PUBLIC HEALTH, ENGLAND AND WALES**The Control of Pollution (Discharges into Sewers)
Regulations 1976**

<i>Made - - -</i>	<i>10th June 1976</i>
<i>Laid before Parliament</i>	<i>29th June 1976</i>
<i>Coming into Operation</i>	<i>20th July 1976</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of their powers under sections 43(5) and (6), 44(3) and 104(1)(a) of the Control of Pollution Act 1974(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Control of Pollution (Discharges into Sewers) Regulations 1976 and shall come into operation on 20th July 1976.

Interpretation

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

(2) In these regulations, unless the context otherwise requires—

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

“the appointed day” has the same meaning as in section 44(5);

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

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

Appeals

3.—(1) Any person who wishes to appeal in accordance with subsection (5) of section 43 against a notice served on him by a water authority under subsection (3) of that section shall give notice of appeal in writing to the

(a) 1974 c. 40.

(b) 1889 c. 63.

(c) 1937 c. 40.

Secretary of State for the Environment or the Secretary of State for Wales, as may be appropriate, within two months from the date of receipt of the notice from the water authority or, with the written permission of the water authority, at any later time.

(2) Any such person, when giving notice of appeal or (with the consent of the Secretary of State) as soon as may be thereafter, shall state the grounds of his appeal and shall provide the Secretary of State with a copy of the following documents:—

- (a) the notice given by him under section 43(2) and any relevant maps and particulars related to it;
- (b) the notice served on him by the water authority under subsection (3) of section 43 giving their actual consent and specifying the conditions, if any, attached by them to that consent in pursuance of subsection (4) of that section; and
- (c) all other relevant correspondence with the water authority,

and shall send a copy of the notice of appeal and particulars of the grounds of the appeal to the water authority.

Discharges through new drains or sewers

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

- (a) a water 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 appointed day, 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 for the purposes of the 1937 Act or, either as a deemed consent or as an actual consent, under section 43 of the Act 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 consent for the purposes of the 1937 Act, or as a deemed consent or an actual consent under the said section 43, 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 1937 Act, of Part V (Trade Effluents) of the Public Health Act 1961(b), 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 regulation any reference to a consent includes a reference to any conditions to which that consent is subject.

(a) 1936 c. 49.

(b) 1961 c. 64.

Determination of matters arising under certain agreements

5.—(1) Where on the appointed day any agreement which was duly made before the commencement of the 1937 Act between a local authority and the owner or occupier of any trade premises, being such an agreement as is mentioned in subsection (1)(b) of section 43, is in force between a water authority and such an owner or occupier, any question—

(a) whether the agreement relates also to a matter other than the discharge of trade effluent into a sewer of the water authority, or

(b) whether any modifications, and if so what modifications, of the agreement, being an agreement relating also to such a matter, are appropriate in consequence of subsections (1) to (5) of section 43,

shall be determined in accordance with the provisions of paragraph (3) below.

(2) Where—

(a) on the appointed day any such agreement as is mentioned in paragraph (1) above is in force between a water authority and the owner or occupier of any trade premises, and

(b) in consequence of a notice duly given under subsection (2) of section 43 by the said owner or occupier to the water authority, consent is deemed to be duly given on the appointed day for certain discharges, subject to certain conditions, in accordance with the provisions of that subsection, and

(c) those conditions include a condition as to charges which are in respect of the discharges in question and other matters,

the proportion of the charges attributable to the discharges shall be determined, and the conditions to which the discharges are, for the purposes of paragraph (b) of the said subsection (2) of section 43, to be treated as subject immediately before the appointed day shall be limited, in accordance with the provisions of paragraph (3) below.

(3) Any matter required to be determined or limited for the purposes of paragraph (1) or (2) above shall be determined or limited by agreement between the parties or, in default of agreement, by the Secretary of State or by a person appointed by him in that behalf.

Peter Shore,
Secretary of State for the Environment.

7th June 1976.

John Morris,
Secretary of State for Wales.

10th June 1976.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Control of Pollution Act 1974 (Appointed Day) Order 1976 (S.I. 1976/957) appointed 19th July 1976 to be the appointed day for the purposes of sections 43 and 44 of the Control of Pollution Act 1974; those sections relate to the discharge of trade effluent to public sewers in England and Wales 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.

These Regulations make provision for certain matters arising under sections 43 and 44 of the 1974 Act. Regulation 3 provides for appeals to the Secretary of State against notices served by water authorities cancelling consents deemed to have been given by them in pursuance of section 43(2). Regulation 4 preserves, for an owner or occupier of trade premises for whom a water authority provide an alternative drain or sewer under section 42 of the Public Health Act 1936, the benefit of any consent attaching to a discharge already being made through a drain or sewer which has to be closed. Regulation 5 provides for the determination of matters which may arise when the provisions of sections 43 and 44 partially, but not wholly, supersede the provisions of an agreement made between a local authority and an owner or occupier of trade premises before the commencement of the Public Health (Drainage of Trade Premises) Act 1937.

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