
 STATUTORY INSTRUMENTS

1985 No. 813

**PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND**
The Control of Pollution (Registers) Regulations 1985

<i>Made</i> - - - - -	22nd May 1985
<i>Laid before Parliament</i>	5th June 1985
<i>Coming into Operation</i>	27th June 1985

The Secretary of State, in exercise of his powers under sections 41, 55 and 104(1) of the Control of Pollution Act 1974(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Control of Pollution (Registers) Regulations 1985, and shall come into operation on 27th June 1985.

Interpretation

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 that section of the Act;

“map reference”, in relation to any place, means a group of two letters and six or more figures representing the map co-ordinates of the place referred to on the grid of the national reference system used by the Ordnance Survey on its maps and plans;

“the register” in relation to any authority, means the register which it is the duty of that authority to maintain in pursuance of section 41(1);

“authority” means the relevant water authority or river purification authority as the case may be.

Modification of section 41 in relation to discharges by water authorities

3.—(1) This regulation prescribes the modification subject to which the provisions of section 41 are to have effect in relation to discharges by water authorities.

(2) In relation to discharges by a water authority, section 41 shall have effect subject to the following amendments:—

(a) after subsection (1)(a) insert the following paragraph:—

“(aa) applications for consents sent to the Secretary of State in pursuance of section 34 as modified by regulations made under section 55”;

(a) 1974 c. 40.

- (b) at the end of subsection (1)(b) insert the following words:—
“(including consents granted to the water authority by the Secretary of State in pursuance of section 34 as modified by regulations made under section 55 and the conditions to which any such consents are subject)”;
- (c) in subsection (1)(c), after the word “1951,” insert the following words:—
“samples of effluent taken by an authority (or, in Scotland, an islands council) from discharges made by it in its own area for the purposes of its functions relating to the pollution of relevant waters,”.

General provisions as to entries in registers

4.—(1) The register shall be adequately indexed so as to enable information relating to a particular discharge or to a particular place to be traced and the index may contain a map or maps.

(2) Except as provided in regulations 7(3) and (4) and 9(2), entries shall be made on or before 31st July 1985 in the case of things done or events occurring before 3rd July 1985 and in any other case within 28 days of the thing being done or event occurring:

Provided that in the case of any particulars which are the subject of an application for a certificate under section 42 (exemption from publicity) this paragraph shall apply only to require entries of particulars for which a certificate is refused to be made before the expiry of 28 days from the date of the refusal of that application.

(3) Every entry contained in the register shall state the date on which that entry was first included in the register.

(4) Where particulars of any place are required by these regulations to be included in an entry in the register, those particulars, unless the context otherwise requires, shall include the map reference of the place referred to or of a point lying within that place.

(5) Entries shall be kept in the register for a period of 5 years from their date of entry, and thereafter for so long as the information stated therein may be necessary for the exercise of the authority's functions in respect of the control of pollution.

Applications for consent

5. The prescribed particulars of applications for consent for discharges made in pursuance of section 34 (other than applications determined by the date prescribed by regulation 10) to be included in the register are the following, namely:—

- (a) the name of the applicant and the date on which the application was received by the authority or, in a case falling within section 41(1)(aa), sent to the Secretary of State, as the case may be;

- (b) such of the following particulars as are relevant to the proposals contained in the application:—
- (i) the place at which the discharge is being, or is to be, made and whether to a stream, controlled waters, a specified underground water or on to or into land;
 - (ii) the nature and composition of the matter being, or to be, discharged, and the maximum temperature of it at the time when it is to be discharged;
 - (iii) the maximum quantity of the matter which is, or is to be, discharged on any one day;
 - (iv) the highest rate at which it is, or is to be, discharged;
 - (v) if the application relates to a limited period, the proposed period of discharge.

Consents and conditions

6.—(1) Subject to the provisions of this regulation, the register shall contain the following particulars with respect to consents relating to discharges of effluent or other matter and the conditions to which they are subject, namely:—

- (a) the name of the person to whom the consent is given;
- (b) the date of the consent and, if different from the date of the consent, the date or dates on which it and any condition to which it is subject came into or are to come into force;
- (c) the place at which the relevant discharge is being or is to be made;
- (d) particulars of any conditions to which it is subject;
- (e) particulars of any period specified under section 38;
- (f) the provision under which the consent was given or deemed to have been given or has effect, that is to say whether—
 - (i) by the authority under section 34(2) or (3); or
 - (ii) by the Secretary of State under section 34(2) as that subsection has effect in relation to discharges by a water authority by virtue of regulations made under section 55; or
 - (iii) having effect by virtue of regulations made under subsection (1) or (2) of section 40;
- (g) particulars of any notice served in relation to the consent.

(2) Where a consent given by the authority has been the subject of a direction by the Secretary of State in accordance with section 35(4), 37(2) or 39(6) the register shall include a statement to that effect.

Samples of effluent and water

7.—(1) The register shall contain such particulars as are mentioned in paragraph (2) with respect to the following samples taken by an authority on and after the date prescribed by regulation 10, namely:—

- (a) samples of effluent taken in pursuance of section 113(1) of the Water Resources Act 1963(a) (“the 1963 Act”) or, in Scotland, section 19 of the Rivers (Prevention of Pollution) (Scotland) Act 1951(b);

(a) 1963 c. 38.

(b) 1951 c. 66.

- (b) samples of effluent taken by an authority (or, in Scotland, an islands council) from discharges made by it in its own area, being samples taken for the purposes of its functions relating to the pollution of water;
 - (c) samples of water taken by an authority for the purposes of its functions relating to the pollution of relevant waters.
- (2) The particulars mentioned in paragraph (1) are—
- (a) the date and time of day when the sample was taken;
 - (b) the place where the sample was taken;
 - (c) information produced by analyses undertaken by or on behalf of the authority;
 - (d) the steps taken by the authority, if any, in consequence of information contained in any such analysis.
- (3) Subject to the provisions of paragraph (4), the authority shall make every relevant entry as soon as practicable and in any event not later than 28 days after the day on which notification of the taking of the relevant sample, or of information produced by the relevant analyses or steps, as the case may be, is received by the person having charge of the register.
- (4) Where a sample of effluent is taken by an authority in pursuance of section 113(1) of the 1963 Act and in compliance with the requirements of paragraphs (a) to (c) of section 113(2) of that Act, the authority shall make the relevant entry or entries referred to in paragraph 2(c) and (d) above in the register not later than—
- (a) the expiry of 3 months after the day on which the sample is taken; or
 - (b) in any case where the authority initiates legal proceedings against any person in consequence of the taking of the sample, 14 days after the final determination of those proceedings,
- whichever event shall occur later.

Certificates issued under section 42

8. The register shall contain the following particulars with respect to every certificate which is issued by the Secretary of State in pursuance of section 42, namely:—

- (a) the name of the person or authority to whom the certificate is issued, and the date of the certificate;
- (b) the place to which the relevant application or consent relates;
- (c) the provisions of the Act which are not to apply in consequence of the issue of the certificate.

Certain notices served under section 51(3)(b)

9.—(1) The register shall contain the following particulars with respect to every notice (other than notices of rejections) of which a copy has been served on the authority in pursuance of section 51(3)(b), namely:—

- (a) the name of the person on whom the notice is served;
- (b) the place to which the notice relates;

- (c) the terms of the notice;
- (d) the date on which a copy of the notice was served on the authority.
- (2) The authority shall make entries relating to such notices forthwith after the service on the authority of the relevant copy.

Inspection by the public

10.—(1) The date prescribed in pursuance of section 41(2)(a) (as the date after which authorities are to secure that registers maintained by them in pursuance of section 41(1) are open to inspection by the public free of charge at all reasonable hours) is 31st July 1985.

(2) The place at which the register is to be open to inspection by the public in pursuance of section 41(2)(a) shall be the principal office of the authority.

(3) A duplicate of so much of the register as relates to a part of the area of the authority may be kept at a place within or convenient to that part and made available for inspection by the public free of charge at all reasonable hours.

(4) In any conflict between the register and any such duplicate, the register shall prevail.

Patrick Jenkin,
Secretary of State for the Environment.

20th May 1985.

Nicholas Edwards,
Secretary of State for Wales.

21st May 1985.

George Younger,
Secretary of State for Scotland.

22nd May 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prescribe the particulars of the matters required by section 41 of the Control of Pollution Act 1974 to be included in the registers to be maintained by water authorities or, in Scotland, river purification authorities. These matters include applications for consents, consents given and the conditions to which they are subject, samples of effluent and samples of water taken by authorities, certificates of exemption from publicity and notices to abstain from certain agricultural practices, where copies have been served on authorities.

The regulations also prescribe 31st July 1985 as the date after which the registers are to be open for public inspection free of charge at all reasonable hours.

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