

1989 No. 1160

WATER, ENGLAND AND WALES

The Control of Pollution (Registers) Regulations 1989

Made - - - - - 6th July 1989

Laid before Parliament 7th July 1989

Coming into force 1st September 1989

The Secretary of State for the Environment and the Secretary of State for Wales, acting jointly in exercise of the powers conferred on them by section 117(1) of the Water Act 1989(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 (Registers) Regulations 1989 and shall come into force on 1st September 1989.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the 1989 Act” means the Water Act 1989; and any reference in these Regulations to a numbered section is a reference to that section of that Act;

“Chapter I” means Chapter I of Part III of the 1989 Act;

“map reference”, in relation to any place, means the 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;

“relevant event” means the service, making, giving or issue of such notice, application, consent or certificate as is referred to in section 117(1)(a) to (d); and

“the register” means the registers which it is the duty of the National Rivers Authority (“the Authority”) to maintain in pursuance of section 117(1).

General provisions as to entries in the register

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

(2) Subject to regulation 7(3), entries shall be made within 28 days of the relevant event.

(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 shall include the map reference of the place (or of a point within that place) unless the place is otherwise readily identifiable.

(a) 1989 c.15; and see the definition of “prescribed” in section 189(1).

(5) Entries shall be kept in the register for a period of five years from their date of entry; and thereafter for so long as the information provided by the entry may be necessary for the exercise of the Authority's functions in respect of the control of pollution.

Notices served under section 105

4. The particulars to be included in the register in respect of notices served under section 105 (water quality objectives) are—

- (a) in the case of a notice served under section 105(1)—
 - (i) the date of the notice;
 - (ii) the waters to which the notice relates;
 - (iii) the classification applicable to those waters; and
 - (iv) the date specified in relation to that classification;
- (b) in the case of a notice served under section 105(4)—
 - (i) the Secretary of State's proposal; and
 - (ii) the period within which representations or objections may be made; and
- (c) in the case of a notice served under section 105(6), the date specified in the notice.

Applications for consent

5. The particulars to be included in the register in respect of applications for consents under Chapter I are—

- (a) the name of the applicant;
- (b) the date on which the application was received by the Authority or the Secretary of State, as the case may be, and where the Secretary of State has given a direction pursuant to paragraph 4(1) of Schedule 12 to the 1989 Act, the date on which the application was transmitted to him;
- (c) the proposal to which the application relates; and
- (d) a copy of the information which, in compliance with a requirement imposed by the Authority or the Secretary of State, as the case may be, by virtue of paragraph 1(1) of the said Schedule 12, accompanied or supplemented the application.

Consents and conditions

6.—(1) The particulars to be included in the register in respect of consents given under Chapter I and the conditions to which such consents are subject are—

- (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 on which it and any condition to which it is subject came into or comes into force;
- (c) the place at which the discharge is being or is to be made or, in the case of a consent given for the purposes of section 109(1), the activity is to take place;
- (d) particulars of any conditions to which the consent is subject;
- (e) particulars of any period specified as mentioned in paragraph 7(1) of Schedule 12 to the 1989 Act;
- (f) the enactment under which the consent is given and, when it is not given by the Authority, the name of the person who gave it;
- (g) particulars of any notice served in relation to the consent.

(2) Where a consent or notice has been given or served by the Authority in compliance with a direction given by the Secretary of State under paragraph 4(7), 6(4) or 8(4) of Schedule 12 to the 1989 Act, the register shall include a statement to that effect.

Samples of effluent and water

7.—(1) The register shall—

- (a) contain such particulars as are mentioned in paragraph (2) with respect to samples taken by the Authority for the purposes of its functions under Chapter I;
- (b) indicate in relation to each sample so taken whether the requirements of section 148(1) (admissibility of analyses of samples) were complied with or are treated, by virtue of section 148(2), as having been complied with; and

- (c) contain such of the particulars mentioned in paragraph (2)(a) to (c) as may be ascertained from such information with respect to any sample taken by a person other than the Authority and the analysis of that sample as is acquired by the Authority from any person under arrangements made by it for the purposes of Chapter I.

(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) the result of the analysis of the sample; and
- (d) the steps (if any) taken by the Authority or by the other party to such arrangements as are mentioned in paragraph (1)(c) in consequence of the result of any such analysis.

(3) Subject to paragraph (4), the particulars required by paragraph (2)(c) shall be entered on the register—

- (a) in the case of any analysis undertaken by or on behalf of the Authority, not later than two months after the day on which the sample was taken; and
- (b) in the case of any other analysis, within 28 days after the results of that analysis are notified to the Authority;

and the other particulars required by paragraph (1) shall be entered as soon as practicable.

(4) Where the Authority or any other person initiates legal proceedings against any person in consequence of the taking of any such sample as is mentioned in paragraph (1), the relevant entry shall be made—

- (a) where the Authority initiates the proceedings, not later than 14 days after the final determination of those proceedings;
- (b) in any other case, not later than 14 days after the date on which the Authority was notified of the final determination of the proceedings.

Certificates issued under paragraph 1(7) of Schedule 12 to the 1989 Act: exemption from disclosure

8. The register shall contain, with respect to every certificate issued by the Secretary of State under paragraph 1(7) of Schedule 12 to the 1989 Act—

- (a) the name of the person to whom the certificate is issued, and the date of the certificate;
- (b) the place to which the relevant application, consent, sample or information relates; and
- (c) a statement of the things mentioned in paragraph 1(7)(a) of that Schedule to which the provisions of paragraph 1(3) of that Schedule and section 117(1) are not to apply.

Signed by authority of the Secretary of State
6th July 1989

Michael Howard
Minister for Water and Planning,
Department of the Environment

6th July 1989

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the particulars of the matters required by section 117(1) of the Water Act 1989 to be included in the registers to be maintained by the National Rivers Authority. Those matters include applications for discharge consents, consents relating to the removal of deposits and vegetation and to discharges and the conditions to which they are subject, and certificates of exemption. The Regulations also require the inclusion in the registers of the results of the analysis of samples of effluent and samples of water taken by the Authority in the exercise of their pollution control functions, and of information acquired by the Authority with respect to samples taken by other persons.

Section 117(2) of the Water Act 1989 requires the National Rivers Authority to secure that the contents of the registers to which these Regulations apply are available, at all reasonable times, for inspection by the public free of charge. It also requires the Authority to afford members of the public reasonable facilities for obtaining from the Authority, on payment of reasonable charges, copies of entries in any of the registers.

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