



# Rivers (Prevention of Pollution) Act 1961

## 1961 CHAPTER 50

### *Control of pre-1951 discharges*

#### **1 River board's consent for pre-1951 discharges**

- (1) Subject to this Act, it shall be unlawful on and after the date appointed under this section to make a discharge of trade or sewage effluent to a stream, being a discharge which is not controlled under section seven of the principal Act, without the consent under this Act of the river board, which consent shall not be unreasonably withheld.
- (2) Subsection (1) of this section shall not apply to the discharge of water raised or drained from any underground part of a mine into a stream in the same condition in which it is raised or drained from underground:

Provided that the Minister may by order (which shall be made by statutory instrument and may be varied or revoked by a subsequent order so made by him) direct that this subsection shall not apply to discharges into any specified stream or part of a stream.

- (3) An application to the river board for their consent under this Act shall state—
  - (a) the nature and composition of the effluent in respect of which the application is made,
  - (b) the maximum temperature of the effluent at the time when it is to be discharged,
  - (c) the maximum quantity of the effluent which it is proposed to discharge on any one day, and
  - (d) the highest rate at which it is proposed to discharge the effluent.
- (4) On an application for consent under subsection (1) of this section the river board may grant their consent subject to such conditions as they may reasonably impose, being conditions—
  - (a) as to the nature and composition, temperature, volume or rate of discharge of effluent from the land or premises to which the application relates, and
  - (b) as to the provision of facilities for taking samples of what is passing from the land or premises to the stream, and in particular as to the provision and maintenance of inspection chambers or manholes,

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and any such conditions may be framed so as to have effect for a specified period, or for a period beginning or ending with a specified date.

- (5) Subject to this Act, where on or after the date appointed under this section a discharge of trade or sewage effluent, being a discharge which is not controlled under section seven of the principal Act, nor exempted under subsection (2) of this section, is made to a stream without the consent under this Act of the river board, the river board may give to the person making the discharge a notice imposing any such conditions as they might have imposed on an application for their consent for making the discharge.
- (6) No conditions imposed under this section shall take effect until the expiration of a period of three months beginning with the giving of the consent, or, as the case may be, the giving of the notice under subsection (5) of this section, and if before the expiration of the said period of three months a reference is made under this Act to the Minister in respect of the unreasonableness of any terms of the consent or notice, no conditions imposed under this section shall take effect until the reference to the Minister is withdrawn or determined.
- (7) A person who contravenes subsection (1) of this section shall be liable—
  - (a) on conviction on indictment, to a fine, or
  - (b) on summary conviction, to a fine not exceeding one hundred pounds.
- (8) No person shall cause or knowingly permit to enter a stream from land or premises in relation to which conditions have been imposed under this Act and are for the time being in force a trade or sewage effluent not complying with those conditions, and any person who does so shall be guilty of an offence punishable under section two of the principal Act.
- (9) Section three of the principal Act shall apply in relation to the last foregoing subsection as it applies in relation to subsection (1) of section two of that Act.
- (10) For the purposes of this section a discharge which is not controlled under section seven of the principal Act means a discharge of effluent in relation to which a river board has no power to impose conditions of the kinds described in paragraph (b) of subsection (2) of that section, that is to say, conditions imposed as respects the making of a new discharge, as defined in that section, with or without consent.
- (11) The date appointed under this section shall be such date as the Minister may by order contained in a statutory instrument appoint, being a date not less than fourteen months after the passing of this Act, but applications for consent under this section may be made before that date and where consent is granted before that date subject to conditions, those conditions may, subject to subsection (6) of this section, take effect before that date.

## **2 Protection while applications are being dealt with**

- (1) If an application to the river board for their consent under this Act is duly made before the date appointed under section one of this Act (and the application is not disposed of before that date) then, until the application is disposed of.—
  - (a) it shall not be an offence under subsection (1) of section one of, this Act to make a discharge from the land or premises to which the application relates which is of the nature and composition specified in the application, and which does not, as respects temperature, volume and rate of discharge, exceed the amounts or limits specified in the application, and

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- (b) no notice shall be given under subsection (5) of section one of this Act imposing any conditions as respects the making of any such discharge.
- (2) If an application to the river board for their consent under this Act is duly made before the date appointed under section one of this Act, then, until the application is disposed of, it shall not be an offence under, or a contravention of—
- (a) paragraph (a) of subsection (1) of section two of the principal Act, or
  - (b) any order under section three of the principal Act, or
  - (c) section eight of the Salmon and Freshwater Fisheries Act, 1923, or
  - (d) any byelaw under the Sea Fisheries Regulation Acts, 1888 to 1894, or
  - (e) paragraph 32 of the Third Schedule to the Gas Act, 1948, or section sixty-eight of the Public Health Act 1875 (which relate to pollution from gasworks), to make a discharge from the land or premises to which the application relates which is of the nature and composition specified in the application, and which does not, as respects temperature, volume and rate of discharge, exceed the amounts or limits specified in the application.
- (3) If it appears to the river board that the applicant has since the making of the application failed to make proper use of, or to repair or maintain, any purification plant through which the effluent was being passed at the time of the application, then, notwithstanding that any discharge made by him has complied with the requirements of the last foregoing subsection, a magistrates' court may, on the application of the river board, and if the court thinks fit, order that the exemption conferred by that subsection shall be withdrawn from the applicant.
- (4) For the purposes of this section an application shall not be regarded as disposed of—
- (a) until the river board give their consent to the application, or give notice to the applicant that they refuse to give their consent, and
  - (b) until a further period of three months beginning with the giving of the consent, or of a notice refusing the consent, has expired,
- and if before the expiration of the said period of three months a reference is made under this Act to the Minister in respect of the withholding of consent, or of the unreasonableness of any terms of the consent, the application shall not be regarded as disposed of until the reference to the Minister is withdrawn or determined.

### **3 Furnishing of information**

- (1) The Minister may for the purpose of assisting river boards to obtain the information required by them to deal with applications for their consent under this Act by regulations contained in a statutory instrument prescribe the particulars which may, in accordance with the provisions of the next following subsection, be required of any applicant with regard to the effluents which have been or are being or are to be discharged from the land or premises to which the application relates.
- (2) Any particulars prescribed under the foregoing subsection may be included in directions given by a river board under subsection (8) of section nine of the River Boards Act, 1948, to an applicant for their consent under this Act, and the proviso to the said subsection (8) (under which a person to whom directions are given under that subsection may make representations to the Minister on the ground that the directions are unreasonable or unduly onerous) shall not apply to any directions so far as they relate to the giving of particulars prescribed under the foregoing subsection.

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- (3) If a person who has applied for the river board's consent under this Act is convicted for failure to comply with directions given under the said subsection (8) requiring him to give information as to the discharge of effluents from the land or premises to which the application relates (whether or not the information consists of particulars prescribed under this section) and, on an application to a magistrates' court (which may be an application on the occasion of the conviction), it is shown to the satisfaction of the court that in consequence of the default the river board has not the material on which to decide the application, the court may if it thinks fit order that the exemption conferred by subsection (2) of the last foregoing section shall be withdrawn from the applicant.