

---

 STATUTORY INSTRUMENTS
 

---

1983 No. 1182

## PUBLIC HEALTH, ENGLAND AND WALES

## PUBLIC HEALTH, SCOTLAND

**The Control of Pollution (Exemption of Certain Discharges from Control) Order 1983**

<i>Made - - - -</i>	1st August 1983
<i>Laid before Parliament</i>	10th August 1983
<i>Coming into Operation</i>	31st August 1983

Whereas section 32(1) of the Control of Pollution Act 1974 (a) has not yet come into force:

And whereas discharges of the kinds or in the areas mentioned in article 3 of this order are discharges for which consent would not have been required by the Rivers (Prevention of Pollution) Acts 1951 to 1961 or the Rivers (Prevention of Pollution) (Scotland) Acts 1951 to 1965 or section 72 of the Water Resources Act 1963 (b) if the said Act of 1974 had not been passed:

Now therefore the Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of their powers under section 32(3)(a) of the said Act of 1974 and of all other powers enabling them in that behalf, hereby order as follows:—

*Citation and commencement*

1. This order may be cited as the Control of Pollution (Exemption of Certain Discharges from Control) Order 1983, and shall come into operation on 31st August 1983.

*Interpretation*

2. In this order, unless the context otherwise requires—

“the Act” means the Control of Pollution Act 1974;

“aldrin” means the chemical compound 1,2,3,4,10,10 – hexachloro – 1,4,4a,5,8,8a – hexahydro – 1,4 – endo – 5,8 – exo – dimethanonaphthalene;

“dieldrin” means the chemical compound 1,2,3,4,10,10 – hexachloro – 6,7 – epoxy – 1,4,4a,5,6,7,8,8a – octahydro – 1,4 – endo – 5,8 – exo – dimethanonaphthalene;

“endrin” means the chemical compound 1,2,3,4,10,10 – hexachloro – 6,7 – epoxy – 1,4,4a,5,6,7,8,8a – octahydro – 1,4 – endo – 5,8 – endo – dimethanonaphthalene; and

“underground stream” means a stream which is below ground.

---

 (a) 1974 c.40.

(b) 1963 c.38.

*Certain discharges to be exempt from control*

3. Subsection (1) of section 32 of the Act (which provides for the control of discharges of trade and sewage effluent, etc., into rivers and coastal waters, etc.) shall not apply to discharges specified in column (1) of the Schedule to this order except in the case of the discharges specified in column (2) thereof:

Provided that paragraphs 7 and 9 of the Schedule, and paragraph 8 so far as it operates by reference to paragraph 7, shall not extend to Scotland.

4.—(1) Each water authority shall publish a notice stating the general effect of this order, and specifying a place or places in the water authority area where a copy of the order may be inspected by any person free of charge at all reasonable times.

- (2) A notice under the last preceding paragraph shall be published either—
- (a) at least once in each of two successive weeks in one or more newspapers circulating in the water authority area, or
  - (b) in any other manner which, in any particular case, may be certified by the Secretary of State to be expedient in that case.

## SCHEDULE

(1) Discharges to which section 32(1) does not apply	(2) Discharges excepted from the exemption granted by the order
1. Discharges begun on or before 30th April 1974 of any trade or sewage effluent to controlled waters or to any underground stream.	1. (a) Discharges containing mercury from premises used for the purposes of— <ul style="list-style-type: none"> <li>(i) the manufacture of chemicals, where mercury is used as a catalyst;</li> <li>(ii) the manufacture of catalysts containing mercury;</li> <li>(iii) the manufacture of organic or inorganic mercury compounds (except catalysts);</li> <li>(iv) the manufacture of mercury batteries;</li> <li>(v) the extraction, recovery or refining of mercury or any other non-ferrous metal;</li> <li>(vi) the treatment of industrial waste;</li> <li>(vii) a laboratory, where mercury and its compounds are used;</li> </ul> (b) discharges containing cadmium from premises used for the purposes of— <ul style="list-style-type: none"> <li>(i) zinc mining, lead and zinc refining, the manufacture of cadmium metal or the extraction, recovery or refining of cadmium or any other non-ferrous metal;</li> </ul>

(1) Discharges to which section 32(1) does not apply	(2) Discharges excepted from the exemption granted by the order
	<ul style="list-style-type: none"> <li>(ii) the manufacture of cadmium compounds;</li> <li>(iii) the manufacture of pigments containing cadmium or cadmium compounds;</li> <li>(iv) the manufacture of stabilisers containing cadmium or cadmium compounds;</li> <li>(v) the manufacture of primary or secondary batteries;</li> <li>(vi) electroplating;</li> <li>(vii) the manufacture of phosphoric acid or phosphate fertiliser from phosphate rock;</li> <li>(c) discharges from premises in which dieldrin is used for the mothproofing of woollen materials;</li> <li>(d) discharges (other than of a kind specified in sub-paragraphs (a) to (c) above) containing free or combined mercury, free or combined cadmium, aldrin, dieldrin, endrin, lead, copper, nickel, chromium, zinc or arsenic in such quantities as are liable to give rise to pollution within the meaning of Article 1.2(e) of Council Directive No. 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community;</li> <li>(e) discharges (other than of a kind specified in sub-paragraphs (a) to (d) above) which are liable to affect the quality of waters identified for the purposes of Council Directive No. 76/160/EEC concerning the quality of bathing water, or designated for the purposes of Council Directive No. 79/923/EEC on the quality required of shellfish waters, in such a manner as to result in non-compliance with one (or both) of those Directives;</li> <li>(f) discharges containing waste produced in the course of the manufacture of titanium dioxide;</li> <li>(g) discharges for which consent is required under any byelaw made in pursuance of section 5(1)(c) of the Sea Fisheries Regulation Act 1966 (a);</li> <li>(h) discharges of trade and sewage effluent to the estuary of the river Mersey east of a line drawn across Liverpool Bay between the points identified by the undermentioned groups of two letters and eight figures</li> </ul>

(a) 1966 c.38.

(1) Discharges to which section 32(1) does not apply	(2) Discharges excepted from the exemption granted by the order
<p>2. Discharges begun on or before 30th April 1974 of any trade or sewage effluent from land in Great Britain through a pipe into the sea outside controlled waters.</p> <p>3. Discharges begun on or before 30th April 1974 of any trade or sewage effluent from a building or from plant on to or into any lake, loch or pond which does not discharge into a stream.</p> <p>4. Discharges begun on or before 30th April 1974 of any matter other than trade or sewage effluent into any stream or controlled waters from a sewer or drain as respectively defined by section 343 of the Public Health Act 1936 (a) or, in Scotland, by section 59(1) of the Sewerage (Scotland) Act 1968 (b) .</p> <p>5. Discharges begun on or before 30th April 1974 of any trade or sewage effluent direct to specified underground water (other than an underground stream).</p>	<p>representing the map co-ordinates of those points on the grid of the National Reference System used by the Ordnance Survey on its maps and plans, that is to say, SJ20368867 and SD26950595.</p> <p>2. Discharges of the kinds specified in paragraph 1 of this column.</p> <p>3. (a) Discharges of the kinds specified in paragraph 1(a) to (d) of this column; (b) discharges which are liable to affect the quality of waters designated for the purposes of Council Directive No. 78/659/EEC on the quality of fresh waters needing protection or improvement in order to support fish life, or which are subject to the provisions of Council Directive No. 75/440/EEC concerning the quality required of surface water intended for the abstraction of drinking water in the Member States, in such a manner as to result in non-compliance with one (or both) of those Directives.</p> <p>4. Discharges of the kinds specified in paragraphs 1(d) and (e) and 3(b) of this column.</p> <p>5. (a) Discharges which are liable to result in any substance mentioned in List I of the Annex to Council Directive No. 80/68/EEC (on the protection of groundwater against pollution caused by certain dangerous substances) reaching specified underground water in a quantity or concentration likely to give rise to deterioration in the quality of such water; (b) discharges which are liable to result in any substance mentioned in List II of the said Annex reaching specified underground water in such quantities as to give rise to pollution within the</p>

(a) 1936 c.49.

(b) 1968 c.47.

(1) Discharges to which section 32(1) does not apply	(2) Discharges excepted from the exemption granted by the order
<p>6. Discharges begun on or before 30th April 1974 of any trade or sewage effluent from a building or from plant on to or into any land.</p> <p>7. Discharges (other than discharges which are the subject of an order under the proviso to section 2(4) of the Rivers (Prevention of Pollution) Act 1951 (a)) 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, where such discharges were begun on or before 30th April 1974.</p> <p>8. Discharges begun after 30th April 1974 but before the day on which section 34 of the Act comes into force which are of a kind exempted under paragraphs 1 to 7 of this column.</p> <p>9. Discharges begun after the day on which section 34 of the Act comes into force which are of a kind exempted under paragraphs 1 to 7 of this column and are made from a pipe or outlet the construction of which was begun before 31st August 1983.</p>	<p>meaning of Article 1.2(d) of the said Council Directive No. 80/68/EEC.</p> <p>6. Discharges of the kinds specified in paragraph 5 of this column.</p> <p>7. (a) Discharges containing free or combined mercury, free or combined cadmium, lead, copper, nickel, chromium, zinc or arsenic in such quantities as are liable to give rise to pollution within the meaning of Article 1.2(e) of Council Directive No. 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community; (b) discharges of the kinds specified in paragraph 3(b) of this column.</p> <p>8. None.</p> <p>9. None.</p>

*Patrick Jenkin,*  
Secretary of State for the  
Environment.

28th July 1983.

Signed by authority  
of the Secretary of State

*John Stradling Thomas,*  
Minister of State for Wales.

29th July 1983.

*George Younger,*  
Secretary of State for Scotland.

1st August 1983.

(a) 1951 c.64.

## EXPLANATORY NOTE

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

This Order exempts from control certain discharges of trade and sewage effluent, and certain other discharges, which would otherwise be controlled when the appropriate provisions of the Control of Pollution Act 1974 come into force. The Order provides for exceptions from these exemptions where control is necessary in order to implement Council Directives No. 76/464/EEC (dangerous substances discharged into aquatic environment), No. 76/160/EEC (quality of bathing water), No. 78/659/EEC (quality of fresh waters), No. 75/440/EEC (quality of surface water intended for abstraction of drinking water) No. 79/923/EEC (quality of shellfish waters) and No. 80/68/EEC (dangerous substances into groundwater).

Copies of the EEC Directives referred to in this Order may be obtained from Her Majesty's Stationery Office.

Information concerning waters designated or identified for the purposes of the above-mentioned EEC Directives is obtainable from the water authority concerned.

SI 1983/1182  
ISBN 0-11-037182-8



780110 371825