

1984 No. 1200

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND**The Control of Pollution (Discharges by
Authorities) Regulations 1984**

<i>Made</i>	- - - -	<i>1st August 1984</i>
<i>Laid before Parliament</i>		<i>9th August 1984</i>
<i>Coming into Operation</i>		<i>31st August 1984</i>

The Secretary of State, in exercise of the powers conferred on him by sections 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, commencement and interpretation

1.—(1) These regulations may be cited as the Control of Pollution (Discharges by Authorities) Regulations 1984 and shall come into operation on 31st August 1984.

(2) In these regulations references to sections are references to sections of the Control of Pollution Act 1974 (“the Act”), and “authority” means the relevant water authority or islands council, as the case may be.

Consents to be given by the Secretary of State

2.—(1) The power to consent under Part II of the Act to any discharge by an authority in its area of any effluent or other matter for which consent is required under that Part shall vest in the Secretary of State and not in the authority.

(2) An authority seeking consent for any such discharge as aforesaid shall set out its proposals in the form of an application for consent, including any supporting information, and shall send the application to the Secretary of State together with a map showing the location of every discharge in relation to which consent is sought.

(3) Where any such application by a water authority in England relates to controlled waters or to the sea outside controlled waters the water authority shall send a copy of the application to the Minister of Agriculture, Fisheries and Food.

^(a) 1974 c. 40.

- (4) The Secretary of State may give to the authority written notice—
- (a) requiring it to submit to him such information as he may specify in the notice; and
 - (b) inviting it to send to him any further information or representations that it may wish to submit.
- (5) Before determining an application for consent made to him by an authority, the Secretary of State—
- (a) may, if he thinks fit; or
 - (b) shall if he has received representations in response to a notice which the authority was required by section 36 to publish and a request to be heard is made to him by the applicant authority within ten weeks after the publication of the notice was published in the London Gazette in accordance with section 36(1)(a);
- cause a local inquiry to be held in pursuance of section 96 of the Act into the application or afford the applicant authority and any person who made such representations an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (6) The Secretary of State may give consent to the authority's application either unconditionally or subject to conditions or refuse it.

Discharges by an authority in its area

3. The provisions of Part II relating to discharges shall have effect subject to the specific modifications set out in Schedule 1 hereto, being modifications which take account of the provisions of regulation 2 and effect certain other minor changes.

SCHEDULE 1

In relation to discharges by an authority in its area the provisions of Part II of the Act shall have effect subject to the modifications mentioned in this Schedule.

Provision	Modification
Section 34	The provisions of regulation 2 shall have effect in substitution for subsections (1), (2) and (4); and subsections (3) and (5) shall not apply.
Section 35	shall be omitted.
Section 36	Subsection (1) shall apply as if— <ul style="list-style-type: none"> (i) for the words preceding paragraph (a) there were substituted “An applicant authority shall be under a duty—”; (ii) all provisions relating to instruments were omitted; (iii) the reference in paragraph (a) to a prescribed form of notice of the application were a reference to a notice of the application in the form set out in Schedule 2 hereto;

Provision	Modification
	<p>(iv) paragraph (b) read— “(b) to send copies of the application to any local authority in England or Wales in whose area it is proposed in the application that a discharge should be made”; and</p> <p>(v) paragraph (c) required the Secretary of State to consider written representations relating to the application made to him within the period of six weeks beginning with the date mentioned in that paragraph;</p> <p>subsections (2) and (3) shall not apply;</p> <p>subsection (4) shall have effect with the substitution of the words “if the Secretary of State so directs” for all the words after “in relation to the application”;</p> <p>subsection (5) shall not apply;</p> <p>subsection (6) shall have effect as if it read— “(6) The Secretary of State shall inform any person who has made representations to him about an application by an authority of his determination.”.</p>
Section 37	<p>Subsection (1) shall have effect with the substitution of— (a) “The Secretary of State may” for all the words preceding “by a notice”; and (b) “authority” for “person”;</p> <p>subsection (2) shall not apply.</p>
Section 38 and 39	shall be omitted.
Section 40	<p>Subsections (1) and (2) shall extend to England and Wales only, and shall have effect as if in addition to the consents and conditions to which those subsections relate, they provided for consents given or granted, or deemed to be given or granted, to a water authority in accordance with the Water Authorities (Control of Outlets and Discharges) Regulations 1975^(a) and the Water Authorities (Control of Discharges) Order 1978^(b) to be treated as if given in pursuance of section 34, and for any conditions to which any such consent was subject to have effect as if attached to the relevant consent so given or granted;</p> <p>subsection (4)(a) and (b) shall have effect as if the references therein to a water authority were references to the Secretary of State; and subsections (4)(c) and (5) shall not apply.</p>
Section 42	shall have effect with the substitution of “authority” for “person” and of “Secretary of State” for “water authority”.

^(a) S.I. 1975/450.^(b) S.I. 1978/1210.

SCHEDULE 2

FORM OF NOTICE

CONTROL OF POLLUTION ACT 1974

NOTICE OF APPLICATION FOR CONSENT FOR DISCHARGE UNDER SECTION 34(1)

Notice is hereby given that an application has been made to the Secretary of State by

(a)for consent to discharge (b)
of (c)
to (d)
at (e)
from (f)

Any person who wishes to make representations about the application should do so
 in writing to the Secretary of State (g)
by (h)
 quoting (i)

A copy of the application may be inspected free of charge at (j)
 at all reasonable hours.

Signed
 *On behalf of
 Date

**Delete where inappropriate*

- (a) Insert name of Water Authority (or, in Scotland, the Islands Council—see section 55(3) of the Act).
- (b) Insert maximum quantity of the matter which it is proposed to discharge on any one day.
- (c) Insert nature of matter to be discharged (for example sewage effluent, trade effluent etc.).
- (d) Insert name or description of waters (for example, river or tributary thereof, whether tidal or non tidal, estuarial, coastal or underground) or land into or on to which matter is proposed to be discharged.
- (e) Specify (by reference to identifiable geographical features or to Ordnance Map national grid co-ordinates, followed by name of district) the place at which it is proposed to make the discharge.
- (f) Insert address of the premises from which the discharge will be made.
- (g) Insert address to which representations should be made.
- (h) Insert the date six weeks after the date on which the notice is published in the London Gazette (or, in Scotland, the Edinburgh Gazette—see section 106(8) of the Act).
- (i) Insert reference number and/or letters of application.
- (j) Insert the address of the appropriate Water Authority office (or, in Scotland, Islands Council office).

Patrick Jenkin,
Secretary of State for the Environment.

26th July 1984.

Nicholas Edwards,
Secretary of State for Wales.

1st August 1984.

George Younger,
Secretary of State for Scotland.

1st August 1984.

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations provide, in pursuance of section 55 of the Control of Pollution Act 1974, for consents required by water authorities (in Scotland, islands councils) for the purposes of Part II of the Act (pollution of water) to be given, or deemed to be given, by the Secretary of State. They also prescribe the modifications subject to which the provisions of Part II already in force are to have effect in relation to such discharges.

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