



Alkali, &c. Works Regulation Act 1906

1906 CHAPTER 14 6 Edw 7

PART III

(I)

REGISTRATION OF WORKS

9 Registration of works, and stamp duty.

- (1) An alkali work, [^{F1}or any works specified in Schedule 1 to the Health and Safety (Emissions into the Atmosphere) Regulations 1983], . . . ^{F2} shall not be carried on unless it is certified to be registered.
- (2) The work shall be registered in a register containing the prescribed particulars, and the register shall be conducted and the certificates issued in the prescribed manner.
- (3) ^{F3}
- (5) A certificate of registration shall be issued on application being made in the prescribed manner by the owner of the work, if the conditions of registration are complied with, and one of the conditions, in the case of the first registration of [^{F4}an alkali work or any works specified in Schedule 1 to the Health and Safety (Emissions into the Atmosphere) Regulations 1983], or the registration of such a work if the work has been closed for a period of twelve months previously, shall be that the work is at the time of registration furnished with such appliances as appear to the chief inspector or, on appeal, to [^{F5}the Health and Safety Executive] to be necessary in order to enable the work to be carried on in accordance with such of the requirements of this Act [^{F6}or of Part I of the Health and Safety at Work etc. Act 1974] as apply to the work. Provided that [^{F5}the Health and Safety Executive] may dispense with the last-mentioned condition in the case of works erected before the commencement of this Act which were not before the commencement of this Act required to be registered.
- (6) ^{F7}
- (7) ^{F8}

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[^{F9}(8) The owner of a work which has been carried on in contravention of this section shall be guilty of an offence.]

Textual Amendments

- F1 Words substituted by S.I. 1983/943, **reg. 5(b)**
- F2 Words repealed by **Control of Pollution Act 1974 (c. 40), Sch. 4**
- F3 S. 9(3)(4) repealed by S.I. 1989/318, **reg. 13(1)**
- F4 Words substituted by S.I. 1983/943, **reg. 5(c)(i)**
- F5 Words substituted by virtue of S.I. 1974/2170, **Sch. 2 para. 2**
- F6 Words inserted by S.I. 1983/943, **reg. 5(c)(ii)**
- F7 S. 9(6) repealed by **Finance Act 1970 (c. 24), Sch. 8 Pt. IV**
- F8 S. 9(7) repealed (except for the purposes of reg. 12(3) of S.I. 1989/318), by S.I. 1989/318, **reg. 13(1)**
- F9 S. 9(8) substituted by **Clean Air Act 1956 (c. 52), s. 17(4), Sch. 2**

Modifications etc. (not altering text)

- C1 S. 9(5) amended by S.I. 1987/180, **regs. 4(1), 8**

(II)

INSPECTION

10— ^{F10}
12.

Textual Amendments

- F10 Ss. 10–12 repealed by S.I. 1974/2170, **Sch. 1**

13 ^{F11}

Textual Amendments

- F11 S. 13 repealed by S.I. 1974/2170, **reg. 3(a)**

14 ^{F12}

Textual Amendments

- F12 Ss. 14, 15 repealed by **Control of Pollution Act 1974 (c. 40), Sch. 4**

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(III)

SPECIAL RULES

15 F13

Textual Amendments

F13 Ss. 14, 15 repealed by Control of Pollution Act 1974 (c. 40), Sch. 4

(IV)

PROCEDURE

16 **Provision as to calculation of acid.**

In calculating the proportion of acid to a [^{F14}cubic metre] of air, smoke, or gases, for the purposes of this Act, such air, smoke, or gases shall be calculated at the temperature of [^{F14}15 degrees Celsius], and at a barometric pressure of [^{F14}one bar].

Textual Amendments

F14 Words substituted by S.I. 1983/943, reg. 6, Sch. 3

16A F15

Textual Amendments

F15 S. 16A repealed by S.I. 1974/2170, Sch. 1

17 F16

Textual Amendments

F16 S. 17 repealed by Control of Pollution Act 1974 (c. 40), Sch. 4

18 F17

Textual Amendments

F17 S. 18 repealed by S.I. 1974/2170, Sch. 1

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19 F18

Textual Amendments

F18 S. 19 repealed by [Control of Pollution Act 1974 \(c. 40\)](#), [Sch. 4](#)

20, 21. F19

Textual Amendments

F19 Ss. 20, 21 repealed by [S.I. 1974/2170](#), [Sch. 1](#)

22 **Complaint by sanitary authority in cases of nuisance.**

- (1) Where complaint is made to the central authority by any sanitary authority, on information given by any of their officers, or any ten inhabitants of their district, that any work to which this Act applies is carried on (either within or without the district) in contravention of this Act, . . . ^{F20}, and that a nuisance is occasioned thereby to any of the inhabitants of their district, the central authority shall make such inquiry into the matters complained of, and after the inquiry may direct such proceedings to be taken by an inspector, as they think fit and just.
- (2) The sanitary authority complaining shall, if so required by the central authority, pay the expense of any such inquiry.

Textual Amendments

F20 Words repealed by [Control of Pollution Act 1974 \(c. 40\)](#), [Sch. 4](#)

23 **Actions in case of contributory nuisance.**

- (1) Where a nuisance arising from the discharge of any noxious or offensive gas or gases is wholly or partially caused by the acts or defaults of the owners of several works to which any of the provisions of this Act applies, any person injured by such nuisance may proceed against any one or more of such owners, and may recover damages from each owner made a defendant in proportion to the extent of the contribution of that defendant to the nuisance, notwithstanding that the act or default of that defendant would not separately have caused a nuisance.
- (2) This section shall not authorise the recovery of damages from any defendant who can produce a certificate from the chief inspector that in the works of that defendant the requirements of this Act have been complied with and were complied with when the nuisance arose.

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(V)

MISCELLANEOUS

24 F21

Textual Amendments

F21 S. 24 repealed (E.W.) by Local Government Act 1933 (c. 51), **Sch. 11 Pt. IV** and London Government Act 1963 (c. 33), **Sch. 18 Pt. II** and (S.) Local Government (Scotland) Act 1947 (c. 43), **Sch. 14**

VALID FROM 01/04/1999

[^{F22}24A Relation to Environmental Protection Act 1990, Part I.

(1) The preceding provisions of this Part of this Act shall not apply to any process which is a prescribed process as from the date which is the determination date for that process.

The “determination date” for a prescribed process is—

- (a) in the case of a process for which an authorisation is granted, the date on which the enforcing authority grants it, whether in pursuance of the application or, on an appeal, of a direction to grant it;
- (b) in the case of a process for which an authorisation is refused, the date of the refusal or, on an appeal, of the affirmation of the refusal.

(3) In this section “authorisation”, “enforcing authority” and “prescribed process” have the meaning given in section 1 of the Environmental Protection Act 1990 and the reference to an appeal is a reference to an appeal under section 15 of that Act.]

Textual Amendments

F22 S. 24A inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15**, para. 2; see s. 164 (3) and S.I. 1991/1042, **art. 2**

25 Determination of questions by chief inspector.

In determining any matter which under this Act is to be determined by the chief inspector, the chief inspector may found his opinion on facts disclosed by his own examination, or by an examination by any other inspector.

26 F23

Textual Amendments

F23 S. 26, **Sch. 2** repealed by Statute Law Revision Act 1927 (c. 42)

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27 Interpretation of terms.

(1) In this Act, unless the context otherwise requires,—

The expression “alkali work” means every work for—

- (a) the manufacture of sulphate of soda or sulphate of potash, or
- (b) the treatment of copper ores by common salt or other chlorides whereby any sulphate is formed,

in which [^{F24}hydrochloric]acid gas is evolved:

[^{F25}The expression “noxious or offensive gas” includes any substance set out in Schedule 2 to the Health and Safety (Emissions into the Atmosphere) Regulations 1983]

The expression “owner” includes any lessee, occupier, or any other person carrying on any work to which this Act applies;

The expression “best practicable means,” where used with respect to the prevention of the escape of noxious and offensive gases, has reference not only to the provision and the efficient maintenance of appliances adequate for preventing such escape, but also to the manner in which such appliances are used and to the proper supervision, by the owner, of any operation in which such gases are evolved:

The expression “prescribed” means prescribed by [^{F26}the Secretary of State.]

...^{F27}

The expression “central authority” means as regards England the [^{F26}the Secretary of State] as regards Ireland the Local Government Board for Ireland, and as regards Scotland the Secretary for Scotland:

...^{F28}

[^{F29}The expression “the Public Health Act” means as regards England the ^{M1}Public Health Act 1875, . . . ^{F30}; and as regards Scotland the ^{M2}Public Health (Scotland) Act 1897; and as regards Ireland the ^{M3}Public Health (Ireland) Act 1878, and includes any enactment amending those Acts.]

[^{F31}[^{F32}The expression “inspector” means an inspector appointed by the Secretary of State under section 19 of the Health and Safety at Work etc. Act 1974:]

The expression “chief inspector” in any provision of this Act means an inspector so appointed for the purposes of that provision.]

(2) Nothing in this Act shall be construed as exempting any work from any of the provisions of this Act applicable to the work as being a work of a certain class or description by reason only that the work is subject to other provisions of this Act as being a work of some other class or description.

Textual Amendments

F24 Word “hydrochloric” substituted for the word “muriatic” wherever it appears in the Act, by S.I. 1983/943, reg. 5(a)

F25 Definition substituted by S.I. 1983/943, reg. 5(d)

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- F26** Words substituted by virtue of [Ministry of Health Act 1919 \(c. 21\)](#), s. 3(1)(a), [Sch. 1 para. 1](#), S.I. 1951/142 (1951 I, p. 1348), arts. 3(1), 5(2), Sch. 1 Pt. I, 1951/1900 (1951 I, p. 1347), 1965/319 arts. 2(1), 10(1), Sch. 1 Pt. I and 1970/1681, arts. 2(1), 6(3)
- F27** Definition repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)
- F28** Definition repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F29** The definition of “the Public Health Act” as it applies to England and Wales, repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), Sch. 1 Pt. XI
- F30** Words repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)
- F31** Definitions added by [S.I. 1974/2170](#), [Sch. 2 para. 1](#)
- F32** Definition repealed and substituted by [S.I. 1987/180](#) reg. 3(1)

Modifications etc. (not altering text)

- C2** Functions of Secretary for Scotland now exercisable by Secretary of State: [Scottish Board of Health Act 1919 \(c. 20\)](#), s. 4(1)(d); [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\)](#), s. 1 and [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), s. 1

Marginal Citations

- M1** 1875 c. 55.
- M2** 1897 c. 38.
- M3** 1878 c. 52.

28 Application to Scotland.

In the application of this Act to Scotland—

- (a) references to the Secretary for Scotland shall be substituted for references to the Local Government Board, and references to the Edinburgh Gazette shall be substituted for references to the London Gazette;
- (b) All offences under this Act shall be prosecuted and all fines under this Act shall be recovered under the provisions of [^{F33}the ^{M4}Criminal Procedure (Scotland) Act 1975]: Provided that the following regulations shall have effect with respect to the prosecution of, and the recovery of fines for, offences under this Act, other than . . . ^{F34} offences under subsection four of section twelve of this Act:—
 - (i) All prosecutions shall be brought before the sheriff, who may award expenses to either party, and, in default of immediate payment of the fine and expenses, may sentence the respondent to imprisonment for any period not exceeding six months;
 - (ii) A prosecution shall not be instituted without the consent of the Secretary for Scotland, nor by any person other than the chief inspector or such other inspector as the Secretary for Scotland may in any particular case direct, nor, except as respects a fine for the contravention of the provisions of this Act as to the registration of works, after the expiration of three months from the commission of the offence;
 - (iii) The person taking proceedings shall be presumed to be an inspector authorised under this Act to institute the prosecution until the contrary is proved by the respondent;
 - (iv) The sheriff may, on the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such remuneration as he thinks just, and the amount so awarded shall be deemed to be expenses in the proceeding;

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(v) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriff;

(c) F35

Textual Amendments

F33 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 460\(2\)](#)

F34 Words repealed by [Control of Pollution Act 1974 \(c. 40\), Sch. 4](#)

F35 [S. 28\(c\)](#) repealed by [Control of Pollution Act 1974 \(c. 40\), Sch. 4](#)

Modifications etc. (not altering text)

C3 Functions of Secretary for Scotland now exercisable by Secretary of State: [Scottish Board of Health Act 1919 \(c. 20\), s. 4\(1\)\(d\)](#); [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 1](#) and [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\), s. 1](#)

Marginal Citations

M4 [1975 c. 21.](#)

29 Saving as to general law.

Nothing in this Act shall legalise any act or default that would, but for this Act, be deemed to be a nuisance, or otherwise be contrary to law, or deprive any person of any remedy by action, indictment, or otherwise, to which he would have been entitled if this Act had not passed.

30 F36

Textual Amendments

F36 [S. 30](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. XI](#)

31 †Short title and commencement.

This Act may be cited as the Alkali, &c. Works Regulation Act 1906 F37

Textual Amendments

F37 Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

Modifications etc. (not altering text)

C4 Unreliable marginal note

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