



# Control of Pollution Act 1974

## CHAPTER 40

### CONTROL OF POLLUTION ACT 1974

#### PART I

##### WASTE ON LAND

###### *Waste disposal arrangements*

- 1 Arrangements for disposing of controlled waste.

###### *Waste disposal plans*

- 2 Preparation and revision of waste disposal plans.

###### *Licensing of disposal of controlled waste.*

- 3 Prohibition of unlicensed disposal of waste.
- 4 Provisions supplementary to s. 3.
- 5 Licences to dispose of waste.
- 6 Provisions supplementary to s. 5.
- 7 Variation of conditions and revocation of licences.
- 8 Transfer and relinquishment of licences.
- 9 Supervision of licensed activities.
- 10 Appeals to Secretary of State from decisions with respect to licences.
- 11 Special provisions for land occupied by disposal authorities.

###### *Collection and disposal of controlled waste*

- 12 Collection of waste.
- 13 Dustbins etc.
- 14 Disposal of waste in England and Wales.
- 15 Disposal of waste in Scotland.

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- 16 Removal of waste deposited in breach of licensing provisions.
- 17 Special provisions with respect to certain dangerous or intractable waste.

*Waste other than controlled waste*

- 18 Application of preceding provisions to other waste.
- 19 Powers of disposal authorities as respects other waste.

*Reclamation etc. of waste*

- 20 Reclamation of waste.
- 21 Production of heat and electricity from waste etc.

*Street cleaning and litter*

- 22 Street cleaning etc.
- 23 Prohibition of parking to facilitate street cleaning.
- 24 Litter.

*Supplemental*

- 25 Disposal of waste underground by Coal Board etc.
- 26 Outfall pipes for sewage disposal works.
- 27 Interference with refuse tips and dustbins etc.
- 28 Supplementary provisions relating to pipes.
- 29 Modification of Parts I and II to avoid duplication of control.
- 30 Interpretation etc. of Part I.

**PART IA**

ABANDONED MINES

- 30Y Introductory.
- 30Z Mine operators to give SEPA six months' notice of any proposed abandonment.

**PART II**

POLLUTION OF WATER

*General provisions*

- 30A Waters to which Part II applies.
- 30B Classification of quality waters.
- 30C Water quality objectives.
- 30D General duties to achieve and maintain objectives etc.
- 30E Consultation and collaboration.

*Control of entry of polluting matter and effluents into water*

- 30F Pollution offences.
- 30G Prohibition of certain discharges by notice or regulations.
- 30H Discharges into and from sewers etc.
- 30I Defence to principal offences in respect of authorised discharges.
- 30J Other defences to principal offences.

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### *Control of entry of polluting matter and effluents into water*

- 31 Control of pollution of rivers and coastal waters etc.
- 31A Requirements to take precautions against pollution.
- 31B Nitrate sensitive areas.
- 31C Registering of agreement.
- 31D Powers of entry in relation to agreements under section 31B.
- 32 Control of discharges of trade and sewage effluent etc. into rivers and coastal waters etc.
- 33 Control of sanitary appliances on vessels.

### *Consents for discharges*

- 34 Consents for discharges of trade and sewage effluent etc.
- 35 Reference to Secretary of State of certain applications for consent.
- 36 Provisions supplementary to ss. 34 and 35.
- 37 Revocation of consents and alteration and imposition of conditions.
- 38 Restriction on variation and revocation of consent and of previous variation.
- 38A General review of consents.
- 39 Appeals to the Secretary of State.
- 40 Transitional provisions relating to consent.

### *Ancillary provisions relating to control of discharges*

- 41 Registers.
- 42A Exclusion from registers of information affecting national security.
- 42B Exclusion from registers of certain confidential information.
- 42 Power of Secretary of State to exempt applications, consents and conditions etc. from publicity.

### *Control of discharges of trade effluent into public sewers*

- 43 Control of discharges into sewers.
- 44 Provisions supplementary to s. 43.
- 45 Early variation of conditions of discharges.

### *Miscellaneous*

- 46 Operations by river purification authorities to remedy or forestall pollution of water.
- 46A Notices requiring persons to carry out anti-pollution operations.
- 46B Grant of, and compensation for, rights of entry etc.
- 46C Appeals against works notices.
- 46D Consequences of not complying with a works notice.
- 47 Duty of water authorities to deal with waste from vessels etc.
- 48 Power of water authorities to exclude unregistered vessels from rivers etc.
- 49 Deposits and vegetation in rivers etc.
- 49A Enforcement notices as respects discharge consents.
- 49B Appeals against enforcement notices.
- 50 Investigation of water pollution problems arising from closure of mines.
- 51 Codes of good agricultural practice.
- 52 Charges in respect of certain discharges in England and Wales.
- 53 Charges in respect of consents, etc.

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- 54 Directions to the river purification authority.

*Supplemental*

- 55 Discharges by islands councils.  
55A Regulations under this Part.  
56 Interpretation etc. of Part II.

**PART III**

NOISE

*Periodical inspections by local authorities*

- 57 Periodical inspections by local authorities.

*Summary proceedings to deal with noise*

- 58 Summary proceedings by local authorities.  
58A Service of notice in respect of anticipated road noise or road noise from unattended vehicles, machinery or equipment.  
58B Actings where notice in respect of road noise not complied with.  
59 Summary proceedings by occupier of premises.  
59A Supplementary provisions in relation to road noise.

*Construction sites*

- 60 Control of noise on construction sites.  
61 Prior consent for work on construction sites.

*Noise in streets*

- 62 Noise in streets.

*Noise abatement zones*

- 63 Designation of zones.  
64 Register of noise levels.  
65 Noise exceeding registered level.  
66 Reduction of noise levels.  
67 New buildings etc.

*Noise from plant or machinery*

- 68 Noise from plant or machinery.

*Supplemental*

- 69 Execution of works by local authority.  
70 Appeals to Secretary of State and magistrates' court.  
71 Codes of practice for minimising noise.  
72 "Best practicable means".  
73 Interpretation and other supplementary provisions.  
74 Penalties.

**PART IV**

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### *Prevention of atmospheric pollution*

- 75 Regulations about motor fuel.
- 76 Regulations about sulphur content of oil fuel for furnaces or engines.
- 77 Provisions supplementary to ss. 75 and 76.
- 78 Cable burning.

### *Information about atmospheric pollution*

- 79 Research and publicity.
- 80 Notices requiring information about air pollution.
- 81 Appeals against notices.
- 82 Regulations about research and publicity.
- 83 Provision by local authorities of information for Secretary of State.

### *Interpretation*

- 84 Interpretation of Part IV.

## **PART V**

### SUPPLEMENTARY PROVISIONS

#### *Legal proceedings*

- 85 Appeals to Crown Court or Court of Session against decisions of magistrates' court or sheriff.
- 86 .....
- 87 Miscellaneous provisions relating to legal proceedings.
- 88 Civil liability for contravention of s. 3(3).

#### *Financial provisions*

- 89 Expenses and receipts of Secretary of State etc.
- 90 Establishment charges and interest in respect of certain expenses of authorities.

#### *Miscellaneous*

- 91 Rights of entry and inspection etc.
- 92 Provisions supplementary to s. 91.
- 93 Power of authorities to obtain information.
- 94 Prohibition of disclosure of information.
- 95 Service of documents on and by certain undertakers.
- 96 Local inquiries.
- 97 Default powers.
- 98 Interpretation of Part V.

## **PART VI**

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

- 99 Alteration of penalties.
- 100 .....
- 101 Disposal of waste etc by Atomic Energy Authority.
- 102 Power to give effect to international agreements.

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103 Adaptation of enactments to metric units.

*General*

- 104 Orders and regulations.
- 105 Interpretation etc—general.
- 106 General application to Scotland.
- 107 Application to Isles of Scilly.
- 108 Minor and consequential amendments of enactments, and repeals.
- 109 Short title, commencement and extent.

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SCHEDULES

SCHEDULE 1 — Noise Abatement Zones

- 1 Before making a noise abatement order the local authority—
- 2 The requirements referred to in the preceding paragraph are that...
- 3 (1) If an objection is duly made to the local...
- 4 (1) Subject to paragraph 5 below, an order shall come...
- 5 If, before the date on which the order is to...

SCHEDULE 1A — Orders Designating Nitrate Sensitive Areas: Scotland

Part I — APPLICATIONS BY SEPA FOR DESIGNATION ORDERS

*Orders made only on application*

- 1 (1) Subject to sub-paragraph (2) below, the Secretary of State...

*Procedure for applications*

- 2 (1) SEPA shall not, for the purposes of paragraph 1...
- Part II — ORDERS CONTAINING MANDATORY PROVISIONS ETC.

*Publication of proposal for order containing mandatory provisions*

- 3 (1) This paragraph applies where the Secretary of State proposes...

*Supply of copies of proposed orders*

- 4 The Secretary of State shall, at the request of any...

*Modifications of proposals*

- 5 (1) Where notices with respect to any proposed order have...

*Consideration of objections etc.*

- 6 Without prejudice to section 96 of this Act, where notices...

*Consent of Treasury for payment provisions*

- 7 The consent of the Treasury shall be required for the...
- 8 In this Part, “local authority” means a council constituted under...

SCHEDULE 2 — Alteration of penalties

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*The Public Health (Scotland) Act 1897*

- 1 .....
- 2 .....
- 3 .....

*The Alkali, &c. Works Regulation Act 1906*

- 4 .....
- 5 .....

*The Public Health Act 1936*

- 6 In section 19(3) of the Public Health Act 1936 (under...
- 7 In section 27 of that Act (which provides that certain...
- 8 In section 34(5) of that Act (under which a person...
- 9 In section 36(1) of that Act (under which a person...
- 10 In section 41(3) of that Act (under which a person...
- 11 In section 94(2) of that Act (under which a person...
- 12 In section 95(1) of that Act (under which a person...

*The Public Health (Drainage of Trade Premises Act 1937*

- 13 In section 2 of the Public Health (Drainage of Trade...
- 14 In section 9 of that Act (under which a person...

*The Water Act 1945*

- 15 In section 19(3) of the Water Act 1945 (under which...
- 16 In section 21 of that Act (under which a person...
- 17, 18 .....

*The Clean Air Act 1956*

- 19 .....

*The Radioactive Substances Act 1960*

- 20 .....

*The Sewerage (Scotland) Act 1968*

- 21 In section 12(8) of the Sewerage (Scotland) Act 1968 (under...
- 22 In section 14(6) of that Act (under which a person...
- 23 In section 24(2) of that Act (under which an occupier...
- 24 In section 45(2) of that Act (under which a person...
- 25 In section 46 of that Act (which provides that certain...

*The Clean Air Act 1968*

- 26 .....
- 27 .....

SCHEDULE 3 — Minor and consequential amendments of enactments

*The Alkali, &c. Works Regulation Act 1906*

- 1 .....

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2 .....  
3 .....  
4 .....  
5 .....

*The Public Health Act 1936*

6 In section 3(1)(b) of the Public Health Act 1936 (under...  
7 Sections 79 and 80 of that Act (which relate to...

*The Public Health (Drainage of Trade Premises) Act 1937*

8 Sections 2(4) and 3(2) of the Public Health (Drainage of...  
9 In section 4(5) of that Act (under which disputes arising...  
10 In section 10(1) of that Act (which authorises the taking...

*The Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951*

11 .....

*The Rivers (Prevention of Pollution) (Scotland) Act 1951*

12 Minor and consequential amendments of enactments  
13 Minor and consequential amendments of enactments  
14 In section 18 of that Act (which relates to the...  
15 In section 19 of that Act (which empowers river purification...

*The Clean Air Act 1956*

16 Minor and consequential amendments of enactments

*The Rivers (Prevention of Pollution) Act 1961*

17 In section 10(1) of the Rivers (Prevention of Pollution) Act...

*The Public Health Act 1961*

18 At the end of section 34(5) of the Public Health...

*The London Government Act 1963*

19 In section 41(1)(b) of the London Government Act 1963 (which...

*The Water Resources Act 1963*

20 In section 77(2) of the Water Resources Act 1963 (which...  
21 In section 113(1) of that Act (which authorises water authorities...  
22 Minor and consequential amendments of enactments

*The Spray Irrigation (Scotland) Act 1964*

23 In section 9(2) of the Spray Irrigation (Scotland) Act 1964...

*The Rivers (Prevention of Pollution) (Scotland) Act 1965*

24 In section 10(1) of the Rivers (Prevention of Pollution) (Scotland)...  
25 Minor and consequential amendments of enactments



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*The Hovercraft Act 1968*

26 In section 1(1)(g) of the Hovercraft Act 1968 for the...

*The Water Act 1973*

27 For the purposes of section 14 of the Water Act...  
28 In subsection (12) of section 24 of that Act (which...  
29 In section 36(3) of that Act (which among other things...  
30 In paragraph 17(2) of Schedule 7 to that Act (which...

*The Local Government (Scotland) Act 1973*

31 Minor and consequential amendments of enactments

SCHEDULE 4 — Repeals

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