



# 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 Pollution of water
- 32 Pollution of water
- 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.

*Control of discharges of trade effluent into public sewers*

- 43 Pollution of water
- 44 Pollution of water
- 45 Pollution of water

*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 Miscellaneous
- 54 Miscellaneous

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### *Supplemental*

- 55 Pollution of water
- 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**

#### *Prevention of atmospheric pollution*

- 75 Regulations about motor fuel.

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- 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.
- 103 Adaptation of enactments to metric units.

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### *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.

## 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 et ceteralaetc.*

- 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

#### *The Public Health (Scotland) Act 1897*

- 1 .....

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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 .....  
2 .....  
3 .....

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- 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

*The Hovercraft Act 1968*

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



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*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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