



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART II

#### POLLUTION OF WATER

##### *Miscellaneous*

**<sup>F1</sup>46 Operations by river purification authorities to remedy or forestall pollution of water.**

.....

**Textual Amendments**

**F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**<sup>F1</sup>46A Notices requiring persons to carry out anti-pollution operations.**

.....

**Textual Amendments**

**F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**<sup>F1</sup>46B Grant of, and compensation for, rights of entry etc.**

.....

*Status: Point in time view as at 31/07/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Cross Heading: Miscellaneous. (See end of Document for details)*

**Textual Amendments**

- F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**<sup>F1</sup>46C Appeals against works notices.**

.....

**Textual Amendments**

- F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**<sup>F1</sup>46D Consequences of not complying with a works notice.**

.....

**Textual Amendments**

- F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**<sup>F2</sup><sup>F1</sup><sup>F3</sup>47 Duty of water authorities to deal with waste from vessels etc.**

.....

**Textual Amendments**

- F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)
- F2** S. 47 repealed (E.W.) (1.9.1989) by 1989 c. 15, s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)-(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F3** S. 47(3) repealed (S.) (1.10.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **Sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/319, art. 2(a), Sch. 1

**<sup>F1</sup>48 Power of water authorities to exclude unregistered vessels from rivers etc.**

.....

**Textual Amendments**

- F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

*Status: Point in time view as at 31/07/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Cross Heading: Miscellaneous. (See end of Document for details)*

**<sup>F1</sup>49 Deposits and vegetation in rivers etc.**

.....

**Textual Amendments**

**F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**<sup>F1</sup>49A Enforcement notices as respects discharge consents.**

.....

**Textual Amendments**

**F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**<sup>F1</sup>49B Appeals against enforcement notices.**

.....

**Textual Amendments**

**F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**<sup>F1</sup>50 Investigation of water pollution problems arising from closure of mines.**

.....

**Textual Amendments**

**F1** Ss. 46-50 repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

**[<sup>F4</sup>51 Codes of good agricultural practice.**

- (1) The Secretary of State may by order made by statutory instrument approve any code of practice issued (whether by him or by another person) for the purpose of—
  - (a) giving practical guidance to persons engaged in agriculture with respect to activities that may affect controlled waters; and
  - (b) promoting what appear to him to be desirable practices by such persons for avoiding or minimising the pollution of any such waters,and may at any time by such an order approve a modification of such a code or withdraw his approval of such a code or modification.
- (2) A contravention of a code of practice as for the time being approved under this section shall not of itself give rise to any criminal or civil liability, but [<sup>F5</sup>a river purification

*Status: Point in time view as at 31/07/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Cross Heading: Miscellaneous. (See end of Document for details)*

authority]] shall take into account whether there has been or is likely to be any such contravention in determining when and how it should exercise any powers conferred on it by regulations under section 31A of this Act.

- (3) The Secretary of State shall not make an order under this section unless he has first consulted the river purification authorities.

#### Textual Amendments

- F4** S. 51 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I** and substituted (S.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. **58(7)**, 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)-(10), 190, 193(1), 194(4), Sch. 23 para. 5, Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58
- F5** Words in s. 51(2) substituted (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 29(2)** (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)

#### Modifications etc. (not altering text)

- C1** S. 51 extended by [S.I. 1985/708, art. 3, Sch. 1](#)

### [<sup>F6</sup>52 Charges in respect of certain discharges in England and Wales.

- (1) The Secretary of State may, by an order made after consultation with the National Water Council, provide that sections 30 and 31 of the <sup>M1</sup>Water Act 1973 (which among other things relate to charges for facilities provided by water authorities and to schemes for the payment of the charges) shall apply to discharges of trade or sewage effluent which are made or authorised to be made by virtue of a consent given in pursuance of this Act or the <sup>M2</sup>Public Health (Drainage of Trade Premises) Act 1937 as those sections apply to facilities provided by water authorities; and any such order may—
- (a) provide that, in the said section 30 as applied by the order, subsection (4) (under which regard is to be had to the cost of providing facilities in fixing charges for the facilities) and references to that subsection shall be omitted; and
  - (b) repeal sections 59(1)(e) and 61(4) of the <sup>M3</sup>Public Health Act 1961 (which provide for conditions relating to charges to be attached to consents for discharges which are given in pursuance of the said Act of 1937).
- (2) An order made in pursuance of the preceding subsection—
- (a) shall include provision for appeals to the Secretary of State in respect of charges payable to a water authority by virtue of that subsection; and
  - (b) may include provision for the giving by the Secretary of State in consequence of an appeal of directions in respect of the charges to the authority or any other party to the appeal (including directions as to the charges which are to be payable in respect of any period before the determination of the appeal);
- and the Secretary of State may by order vary or revoke any provisions which by virtue of this subsection or section 104(1)(a) of this Act are contained in an order made in pursuance of this section.
- (3) This section does not apply to Scotland.]

*Status: Point in time view as at 31/07/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Cross Heading: Miscellaneous. (See end of Document for details)*

**Textual Amendments**

**F6** S. 52 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), [Sch. 27 Pt. I](#)

**Marginal Citations**

**M1** 1973 c. 37.

**M2** 1937 c. 40.

**M3** 1961 c. 64.

<sup>F7</sup>**53** .....

**Textual Amendments**

**F7** S. 53 repealed (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), [Sch. 22 para. 29\(28\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)

<sup>F8</sup>**54** .....

**Textual Amendments**

**F8** S. 54 repealed (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), [Sch. 22 para. 29\(28\)](#), [Sch. 24](#) (with ss. 115, 117); [S.I. 1996/186, art. 3](#)

**Status:**

Point in time view as at 31/07/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Pollution Act 1974, Cross  
Heading: Miscellaneous.