

SCHEDULES

SCHEDULE 3

Section 108.

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Alkali, &c. Works Regulation Act 1906

- 1 Sections 3, 4 and 5 of the Alkali Act (alkali waste), section 14 (appointment of additional inspectors) and section 15 (power of owners of works to make special rules) shall cease to have effect.
- 2 Section 8 of that Act (which is superseded by paragraph 4 of this Schedule) shall cease to have effect.
- 3 (1) In section 27 of that Act as amended by the Alkali, &c. Works Order 1966, in the definition of "noxious or offensive gas" the words "except that arising solely from the combustion of coal", in both places where they occur, shall be omitted and for the words "Sulphurous anhydride" there shall be substituted the words "Sulphur dioxide".
- (2) The amendments made by the preceding sub-paragraph may be varied or revoked as if they were contained in the said Order of 1966.
- 4 (1) At the end of Schedule 1 to that Act, as amended by the Alkali, &c. Works Order 1966 and the Alkali, &c. Works Order 1971 and in Scotland by the Alkali, &c. Works (Scotland) Order 1972, there shall be added the following paragraph—
- “(61) Smelting works, that is to say works in which sulphide ores are calcinated or smelted.”
- (2) The said paragraph (61) may be varied or revoked as if it were contained in the said Orders of 1971 and 1972.

The Salmon and Freshwater Fisheries Act 1923

- 5 In section 9(5) of the Salmon and Freshwater Fisheries Act 1923 (which provides that certain activities authorised by that section shall not constitute an offence under provisions which include section 2(1)(a) of the Rivers (Prevention of Pollution) Act 1951) for the words "section 2(1)(a) of the Rivers (Prevention of Pollution) Act 1951" there shall be substituted the words "and section 31(1)(a) of the Control of Pollution Act 1974".

The Public Health Act 1936

- 6 In section 3(1)(b) of the Public Health Act 1936 (under which an order constituting a port health authority may, among other things, assign to the authority any functions conferred on a local authority by that Act) after the words "this Act" there shall be inserted the words "or the Control of Pollution Act 1974".

Status: This is the original version (as it was originally enacted).

- 7 Sections 79 and 80 of that Act (which relate to the removal of noxious matter, manure and refuse from premises) shall cease to have effect.

The Public Health (Drainage of Trade Premises) Act 1937

- 8 Sections 2(4) and 3(2) of the Public Health (Drainage of Trade Premises) Act 1937 and the proviso in section 7(1) of that Act (which relate to the protection of interested bodies within the meaning of that Act) shall cease to have effect.
- 9 In section 4(5) of that Act (under which disputes arising under that Act as to the discharges of trade effluent which were made during such a period as is mentioned in subsections (1) or (2) of that section are to be determined by the Secretary of State) for the words " this Act" there shall be substituted the words " section 43 of the Control of Pollution Act 1974 " and for the words " is mentioned " there shall be substituted the words " before the repeal of those subsections by that Act was mentioned ".
- 10 In section 10(1) of that Act (which authorises the taking of samples of trade effluent which is passing from premises into a public sewer) after the word " passing " there shall be inserted the words " , either directly or through a private drain or sewer, ".

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

- 11 In section 9 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (which provides that acts done for scientific and certain other purposes shall not constitute an offence under Part I of that Act) after the words " this Part of this Act" there shall be inserted the words " or of section 31(1)(a) of the Control of Pollution Act 1974 ".

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

- 12 In section 12(4) of the Rivers (Prevention of Pollution) (Scotland) Act 1951 (which restricts in certain respects the power of a river purification board to appoint agents and delegate functions), in paragraph (c) for the words " section twenty-eight thereof " there shall be substituted the words " sections 34 to 40 of the Control of Pollution Act 1974 ".
- 13 In section 17(1) of that Act (which sets out the general duties of river purification authorities), at the end there shall be inserted the words " and by the Control of Pollution Act 1974 ".
- 14 In section 18 of that Act (which relates to the provision and obtaining of information by river purification authorities), at the end there shall be inserted the following subsection—
- “(6) Notwithstanding anything in this Act, any tidal waters adjoining the shore of the area of a river purification authority and any underground waters within the area of such an authority shall be deemed to be included in the expression " stream " for the purposes of the authority's powers under this section.”
- 15 In section 19 of that Act (which empowers river purification authorities to take samples of effluents), in subsection (3), after the word " authority" there shall be inserted the words " and any underground waters within the area of such an authority ".

Status: This is the original version (as it was originally enacted).

The Clean Air Act 1956

- 16 (1) In subsection (1) of section 30 of the Clean Air Act 1956 (early notification to be confirmed in writing within 48 hours of becoming aware of the offence) for the words "within forty-eight hours after " there shall be substituted the words " before the end of the four days next following the day on which ".
- (2) In subsection (2) of that section (presumption in favour of defendant if notification not given within two days after the day of the offence) for the words " two days " there shall be substituted the words " four days ".
- (3) This paragraph shall not apply where the offence was committed before the coming into force of this paragraph.

The Rivers (Prevention of Pollution) Act 1961

- 17 In section 10(1) of the Rivers (Prevention of Pollution) Act 1961 (which among other things relates to inspection chambers provided in compliance with conditions imposed under that Act) and in section 12(1)(ii) of that Act (which authorises the disclosure in connection with the execution of that Act of information of which the disclosure is restricted by that section) the reference to that Act shall include a reference to this Act.

The Public Health Act 1961

- 18 At the end of section 34(5) of the Public Health Act 1961 (which among other things provides that " rubbish " in that section does not include material accumulated in the course of business) there shall be inserted the words " or waste deposited in accordance with a disposal licence in force under Part I of the Control of Pollution Act 1974 ".

The London Government Act 1963

- 19 In section 41(1)(b) of the London Government Act 1963 (which enables the functions, rights and liabilities of a local authority under any of the provisions there mentioned to be assigned to the port health authority for the Port of London) after the words " section 87 of this Act " there shall be inserted the words " and under any provision of the Control of Pollution Act 1974 ".

The Water Resources Act 1963

- 20 In section 77(2) of the Water Resources Act 1963 (which refers to sewage effluent within the meaning of the Rivers (Prevention of Pollution) Act 1951) for the words " the Rivers (Prevention of Pollution) Act 1951 " there shall be substituted the words " Part II of the Control of Pollution Act 1974 ".
- 21 In section 113(1) of that Act (which authorises water authorities to take samples of certain effluents) for the words "Clean Rivers (Estuaries and Tidal Waters) Act 1960" in paragraph (c) there shall be substituted the words " Part II of the Control of Pollution Act 1974 ".

Status: This is the original version (as it was originally enacted).

The Housing Act 1964

- 22 In section 95 of the Housing Act 1964, after subsection (2) (power of local authority to resolve to exclude heating appliances from eligibility for grant) there shall be inserted the following subsection—

“(2A) The Secretary of State may, when confirming the order to which a resolution under subsection (2) above relates, direct that the resolution shall have effect subject to such modifications as may be specified in the direction, or may direct that the resolution shall not have effect.”

The Spray Irrigation (Scotland) Act 1964

- 23 In section 9(2) of the Spray Irrigation (Scotland) Act 1964 (which among other things attracts for the purposes of that Act certain powers of entry contained in the Rivers (Prevention of Pollution) (Scotland) Act 1951), for the words " 20(1)(b) of the said Act of 1951 to an authorisation granted under" there shall be substituted the words " 91(1)(a)(iii) of the Control of Pollution Act 1974 to any provision of ".

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

- 24 In section 10(1) of the Rivers (Prevention of Pollution) (Scotland) Act 1965 (which contains provisions with respect to samples of effluent taken at an inspection chamber provided in compliance with a condition imposed under that Act of section 28 of the Rivers (Prevention of Pollution) (Scotland) Act 1951) for the words "this Act or section 28 of the principal Act" there shall be substituted the words " sections 34 to 40 of the Control of Pollution Act 1974 ".

The Civic Amenities Act 1967

- 25 (1) In section 18(1) of the Civic Amenities Act 1967 (which requires local authorities to provide places where certain refuse can be deposited at' all reasonable times free of charge by persons resident in the authorities' areas and on payment by other persons) after the word " times " there shall be inserted the words " (including at least one period of time on the Saturday or the following day of each week except a week in which the Saturday is 25th December or 1st January) ",
and for the words from " persons resident " onwards there shall be substituted the words " any person ".
- (2) In section 23 of that Act, for subsection (3) (by which section 76 of the Public Health Act 1936, which is repealed by this Act, is applied for the purposes of that section) there shall be substituted the following subsection—
- “(3) A local authority may—
- (a) provide places for the deposit of any thing removed by them under subsection (1) of this section ;
 - (b) provide plant and apparatus for the treatment or disposal of any thing deposited at such a place ; and
 - (c) sell or otherwise dispose of any such thing.”

Status: This is the original version (as it was originally enacted).

The Hovercraft Act 1968

- 26 In section 1(1)(g) of the Hovercraft Act 1968 for the words " no proceedings in pursuance of the Noise Abatement Act 1960 " there shall be substituted the words " no proceedings in pursuance of Part III of the Control of Pollution Act 1974 " .

The Water Act 1973

- 27 For the purposes of section 14 of the Water Act 1973 (under which, among other things, functions of local authorities with respect to sewerage and sewage disposal, including certain functions under Part XII of the Public Health Act 1936, were transferred to water authorities), section 306 of the said Act of 1936 (which related to the compulsory purchase of land and was contained in the said Part XII) shall have effect from 31st March 1974 as if that section had not been repealed by the Local Government Act 1972.
- 28 In subsection (12) of section 24 of that Act (which relates to reports of surveys prepared by water authorities under that section) after paragraph (a) there shall be inserted the following paragraph—
“(aa) shall secure that a copy of each such report and of all such amendments is available at the principal office of the authority for inspection by the public free of charge at all reasonable hours.”
- 29 In section 36(3) of that Act (which among other things provides that Part II of Schedule 7 to that Act shall have effect with respect to the making of byelaws by water authorities under any enactment) the last reference to any enactment shall be construed as including a reference to any enactment passed after that Act.
- 30 In paragraph 17(2) of Schedule 7 to that Act (which relates to the confirmation of byelaws made by a water authority under section 5 of the Rivers (Prevention of Pollution) Act 1951) for the words " section 5 of the Rivers (Prevention of Pollution) Act 1951 " there shall be substituted the words " section 31(6) or 33(1) of the Control of Pollution Act 1974 " and after the words "a stream" there shall be inserted the words " or the controlled waters (within the meaning of Part II of that Act) " .

The Local Government (Scotland) Act 1973

- 31 In paragraph 1 of Schedule 28 to the Local Government (Scotland) Act 1973, for the words from "Sections 104" to "Section 116" there shall be substituted the words—
“Sections 104 to 106
Section 110”.