

1977 No. 1185

PUBLIC HEALTH, ENGLAND AND WALES
The Control of Pollution (Licensing of Waste Disposal)
(Amendment) Regulations 1977

<i>Made</i>	- - -	14th July 1977
<i>Laid before Parliament</i>		26th July 1977
<i>Coming into Operation</i>		16th August 1977

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 3(1), 10(1), 30(4) and 104(1) of the Control of Pollution Act 1974(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Control of Pollution (Licensing of Waste Disposal) (Amendment) Regulations 1977 and shall come into operation on 16th August 1977.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) In these regulations “the principal regulations” means the Control of Pollution (Licensing of Waste Disposal) Regulations 1976(c).

Amendment of principal regulations

2. The principal regulations are hereby amended as follows:—

(a) at the end of paragraph (c) of regulation 3 (which regulation provides that waste of certain descriptions shall be treated as being industrial waste, subject to certain exceptions specified in paragraph (c) thereof) there shall be inserted the following sub-paragraphs:—

“(iii) sewage deposited on land from a sanitary convenience forming part of a moving or stationary vehicle which is being used for the conveyance of passengers; and

(iv) sewage buried on land, being matter taken from a moveable receptacle contained in a sanitary convenience serving a camp site, caravan site, building site, signal box, or other land or premises not being a dwelling-house.”;

(a) 1974 c. 40.

(b) 1889 c. 63.

(c) S.I. 1976/732 (1976 II, p. 1945).

- (b) at the end of paragraph (1) of regulation 4 (which regulation exempts the disposal of certain categories of controlled waste from the requirement to be licensed) there shall be inserted the following sub-paragraph:—

“(1) waste is deposited by means of a line of pipes—

- (i) on the foreshore, or
- (ii) on any land above high-water mark which is covered by the sea from time to time.”;

- (c) at the end of regulation 4 there shall be inserted the following paragraph:—

“(4) In this regulation ‘high-water mark’ means the high-water mark of ordinary spring tides, and ‘low-water mark’ shall be construed accordingly; and ‘the foreshore’ means the land between high-water mark and low-water mark.”;

- (d) the following regulation shall be substituted for regulation 7 (appeals under section 10(1)):—

“7.—(1) Notice of appeal under section 10(1) (appeals to Secretary of State from decisions with respect to licences) shall be given in writing within six months of the date of the decision in question (or, as the case may be, of the deemed rejection under section 6(5)) or such longer period as the Secretary of State may at any time allow.

(2) The Secretary of State may, if he thinks fit, require a person who has appealed under section 10(1) to furnish him within a specified period with two copies of a statement of the reasons for his appeal and two copies of any or all of the following documents:—

- (a) the application, if any, to the disposal authority for a disposal licence or for a modification of such a licence;
- (b) any relevant plans, drawings, particulars and documents submitted to the disposal authority in support of the application;
- (c) any relevant record, consent, determination, notice or other notification made or issued by the disposal authority;
- (d) any relevant planning permission in force under the Town and Country Planning Act 1971(a);
- (e) all other relevant correspondence with other authorities.

(3) The Secretary of State shall send to the disposal authority a copy of the notice of appeal and of every other document submitted by the appellant with that notice or furnished by him under paragraph (2) above.

(4) The Secretary of State may, if he thinks fit, require the appellant or the disposal authority to submit within a specified period a further statement in writing in respect of any of the matters to which the appeal relates and if, after considering the

grounds of the appeal and any such further statement, the Secretary of State is satisfied that he is sufficiently informed for the purpose of reaching a decision as to the matters to which the appeal relates, he may decide that appeal without further investigation; but if he does not so decide it, the Secretary of State shall (except in a case where he causes a local inquiry to be held under section 96), if either party so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for that purpose."

Peter Shore,

12th July 1977.

Secretary of State for the Environment.

John Morris,

14th July 1977.

Secretary of State for Wales.

EXPLANATORY NOTE.

(This Note is not part of the Regulations.)

The Control of Pollution (Licensing of Waste Disposal) Regulations 1976 provide, among other things, that waste of certain descriptions is to be treated as industrial waste for the purposes of the Control of Pollution Act 1974, and that the deposit of certain categories of controlled waste is to be exempted from the need to be licensed under that Act; they also make certain provision for the making of appeals to the Secretary of State under section 10(1) of the Act.

These Regulations amend the 1976 Regulations as follows:—

- (a) the provisions of the Act controlling industrial waste are not to apply to sewage deposited on land from sanitary conveniences on railway trains, nor to sewage buried on land from conveniences used at camp sites, caravan sites, and other similar premises;
- (b) the requirement of the Act that the deposit of certain categories of waste is to be made only on sites licensed under Part I of the Act is not to apply to waste deposited on the foreshore through a pipe;
- (c) regulation 7 of the 1976 Regulations, which relates to the method of making an appeal to the Secretary of State under section 10(1) of the Act, is extended so as to prescribe the procedure to be followed by the Secretary of State before he determines an appeal.

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