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STATUTORY INSTRUMENTS

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**1985 No. 70 (C.2)**

**PUBLIC HEALTH, ENGLAND AND WALES**

**PUBLIC HEALTH, SCOTLAND**

**The Control of Pollution Act 1974  
(Commencement No. 18) Order 1985**

*Made - - - - 23rd January 1985*

The Secretary of State, in exercise of his powers under sections 104(1) and 109(2) of the Control of Pollution Act 1974 and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Control of Pollution Act 1974 (Commencement No. 18) Order 1985.

2.—(1) The provisions of the Control of Pollution Act 1974 specified in column 1 of the Schedule hereto (the subject matter of which is described in column 2) shall come into force on 31st January 1985.

(2) Sections 50 (investigation of water pollution problems arising from closure of mines) and 94(2)(a)(ii) (information) of that Act (which are already in force in England and Wales) shall come into force in Scotland on 31st January 1985.

(3) Paragraph (1) above shall have effect subject to any limitations set out in column 1 of the Schedule as to the extent to which any provision is brought into force, and shall not have effect in the Isles of Scilly.

*Patrick Jenkin*  
One of Her Majesty's Principal Secretaries of  
State

23rd January 1985

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## SCHEDULE

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter of Provisions</i>
<i>In Part II</i>	
Section 31 (so far as it is not already in force)	Control of pollution of rivers and coastal waters etc;
Section 32	Control of discharges of trade and sewage effluent etc. into rivers and coastal waters etc;
Section 39(2)	Appeals with respect to activities certified as good agricultural practices;
Section 41	Registers;
Section 46(4) to (7)	Operations by water authorities to forestall pollution of water;
Section 51	Notice to abstain from certain agricultural practices.
<i>In Part VI and the Schedules</i>	
Section 108(1) so far as it relates to the paragraphs of Schedule 3 specified below.	Minor and consequential amendments of enactments.
Section 108(2) so far as it gives effect to the entries in Schedule 4 mentioned below.	Repeals
In Schedule 3, paragraphs 11, 12, 20, 21, 23, and 24.	
The entries in Schedule 4 so far as they concern the repeal of—	
The Salmon Fisheries (Scotland) Act 1862 .	
The Sea Fisheries Regulation (Scotland) Act 1895.	
Section 259(2) of the Public Health Act 1936 .	
The Rivers (Prevention of Pollution) Act 1951 save section 5(1)(c), (6) and (7), section 11(1) so far as it defines “stream”, section 11(6) and section 12(1) and (3).	
The Rivers Prevention of Pollution (Scotland) Act 1951 save (in addition to the provisions saved in column 3 of Schedule 4) sections 18(6), 25(1)(c) and (4), 26(2), (4) and (7) to (9) and the definitions of “sewage effluent” and “trade effluent” in section 35(1).	
The Clean Rivers (Estuaries and Tidal Waters) Act 1960.	

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<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter of Provisions</i>
The Rivers (Prevention of Pollution) Act 1961.	
Provisions of the Water Resources Act 1963, save provisions in section 79.	
The Rivers Prevention of Pollution (Scotland) Act 1965	
Provisions of the Water Act 1973	

#### EXPLANATORY NOTE

This order brings into force on 31st January 1985 in England, Wales and Scotland further provisions of Part II (Pollution of Water) of the Control of Pollution Act 1974 .

The provisions in question make it an offence for any person to cause or knowingly permit poisonous, noxious or polluting matter to enter relevant waters, subject to certain detailed defences, or to cause or knowingly permit the discharge of trade or sewage effluent, or certain other matter, into such waters. Other provisions brought into force by the order are concerned with the duty of authorities to maintain registers of applications for consent for discharges, in accordance with regulations to be made by the Secretary of State; and with operations to remedy or forestall pollution of water.

The order also brings into force certain other provisions making minor and consequential amendments to enactments, and repealing enactments which are replaced by the provisions brought into force by the order; and, in Scotland, sections 50 and 94(2)(a)(ii), which are already in force in England and Wales.

#### NOTES AS TO EARLIER COMMENCEMENT ORDERS

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.109 (England, Wales, Scotland, Northern Ireland)	12th December 1974	1974/2039
ss.104, 105 (England, Wales, Scotland)		
ss.43, 44, 95, 107 and 108(1) (partially) (England, Wales)		
s.108(1) and (2) (both partially) (England, Wales, Scotland)	1st January 1975	1974/2169
s.108(2) (partially) (Scotland)	3rd March 1975	1975/230
ss.75, 77, 100, 101 (England, Wales, Scotland, Northern Ireland)	1st January 1976	1975/2118

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.12(5) (partially), ss.25, 29, 30, 78, 99, 102, 103, 108(2) (partially), Sch.2 (England, Wales, Scotland)		
s.12(6) and (7) (partially), ss.17, 19–21, 26, 27(1)(a) and (2), 28 (partially), 49, 50, 56–74, Sch.1, 76, 79–87, 89–94, 96–8, 108(1) and (2) (both partially), 108(3), Sch.3 (partially), Sch.4 (partially) (England, Wales)		
s.106 (Scotland)		
ss.3–11, 16, 18(1) and (2), 22, 23, 88, Sch.3 (partially) Sch.4 (partially) (England, Wales)	14th June 1976	1976/731
ss.108(1) and (2) (both partially) (England, Wales)	20th July 1976	1976/956
s.17 (partially), s.27(1)(a) and (2), ss.57(a), 58 (partially), 59, 62, 68, 69 (partially), 70, 71(1) and (3), 72, 73 (partially), 74, 76, 84, 85, 87, 89–93, 94 (partially), 96, 98, 108(1) and (2) (both partially), 108(3), Sch.3 (partially), Sch.4 (partially) (Scotland)	18th July 1976	1976/1080
ss.12(5), 14(9), (10), (11), 108(2) (partially), Sch.4 (partially) (England)	1st April 1977	1977/336
s.24(4) (England, Wales, Scotland), s.108(2) (partially), Sch.4 (partially) (England, Wales)	1st April 1977	1977/476
ss.3–11, 16, 17(3)(a), 18(1) and (2), 20, 88 (Scotland)	1st January 1978	1977/1587
s.2 (England, Wales)	1st July 1978	1977/2164
s.2 (Scotland)	1st September 1978	1978/816
s.13 (partially) (England, Wales)	1st August 1978	1978/954
s.108(2) (partially) (England, Wales, Scotland)	16th March 1981	1981/196
ss.57(b), 58(6), 58(8) (partially), 60, 61, 63–67, 69 (partially), 71(2), 73 (partially), 79–83 (Scotland)	1st August 1982	1982/624
s.32(3) (England, Wales, Scotland)	10th August 1983	1983/1175
s.31 (partially), s.34 (partially), ss.35–37, ss.38 and 39 (both partially), ss.40, 42, 54 and 55 (England, Wales, Scotland), s.108(1) (partially), Sch.3 (partially) (England, Wales), ss.49 and 56, s.108(1) (partially), Sch.3 (partially) (Scotland)	4th July 1984	1984/853