STATUTORY INSTRUMENTS

1985 No. 5

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND

The Control of Pollution (Consents: Transitional Provisions) Regulations 1985

Made - - -	4*th January* 1985
Laid before Parliament	9*th January* 1985
Coming into Operation	31*st January* 1985

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of their powers under sections 40(1) and (2) 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 and commencement

1. These regulations may be cited as the Control of Pollution (Consents: Transitional Provisions) Regulations 1985, and shall come into operation on 31st January 1985.

Interpretation

2. In these regulations, —

"the Act" means the Control of Pollution Act 1974; and

"the earlier enactments" means the Rivers (Prevention of Pollution) Acts 1951 to 1961(**b**), the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965(**c**) and section 72 of the Water Resources Act 1963(**d**).

Consents for discharges

3.—(1) Any consent for discharges given in pursuance of any of the earlier enactments shall have effect for any of the purposes of Part II of the Act as if given in pursuance of subsection (2) of section 34 thereof.

(2) Any conditions to which such a consent was subject in pursuance of any of the said enactments shall have effect for any of the purposes of Part II of the Act as if attached to the consent in pursuance of section 34(2) and (4) of the Act.

(**a**) 1974 c.40.
(**b**) 1951 c.64, 1960 c.54, 1961 c.50.
(**c**) 1951 c.66, 1965 c.13.
(**d**) 1963 c.38.

Consents for outlets

4.—(1) The terms of any consent for an outlet given in pursuance of the Rivers (Prevention of Pollution) Act 1951 and of any conditions to which any such consent was subject in pursuance of that Act or which were imposed with respect to the outlet in pursuance of section 7(4) of that Act shall —

(*a*) if regulation 3 provides a consent under section 34(2) of the Act for discharges from the outlet, have effect for the purposes of Part II of the Act as if they were conditions attaching to that consent; or

(*b*) where no consent is so provided, cease to have effect.

(2) In the application of this regulation to Scotland, for the references to the Rivers (Prevention of Pollution) Act 1951 and to section 7(4) of that Act there shall be substituted respectively references to the Rivers (Prevention of Pollution) (Scotland) Act 1951 and to section 28(4) of that Act.

Patrick Jenkin,
Secretary of State for the Environment.

31st December 1984.

John Stradling Thomas,
Minister of State,
Welsh Office.

Signed by authority of
the Secretary of State
31st December 1984.

George Younger,
Secretary of State for Scotland.

4th January 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The regulations provide that certain consents, conditions and terms of consents given under earlier legislation shall have effect as consents and conditions given under Part II of the Control of Pollution Act 1974 (water pollution).

Regulation 3 is concerned with consents for discharges given in pursuance of the Rivers (Prevention of Pollution) Acts 1951 to 1961 or the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 or section 72 of the Water Resources Act 1963. It provides that any such consent, and any conditions to which it was subject, shall have effect for any of the purposes of Part II as if the consent had been given and the conditions imposed in pursuance of section 34 of the 1974 Act.

Regulation 4 provides that terms and conditions relating to a consent for an outlet given in pursuance of the Rivers (Prevention of Pollution) Act 1951 or the Rivers (Prevention of Pollution) (Scotland) Act 1951, shall have effect as conditions attached to any consent under section 34 for discharges from the outlet provided by regulation 3. Where no consent for discharges from the outlet is so provided the terms and conditions are to cease to have effect.

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