1987 No.1782

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND

The Control of Pollution (Exemption of Certain Discharges from Control) (Variation) Order 1987

Made - - - -	*12th October 1987*
Laid before Parliament	*14th October 1987*
Coming into force	*15th October 1987*

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 the powers conferred by sections 32(3)(b) and 104(1)(a) of the Control of Pollution Act 1974(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Control of Pollution (Exemption of Certain Discharges from Control) (Variation) Order 1987 and shall come into force on 15th October 1987.

Amendment of the Control of Pollution (Exemption of Certain Discharges from Control) (Variation) Order 1986

2. The Control of Pollution (Exemption of Certain Discharges from Control) (Variation) Order 1986(b) shall be varied by inserting after article 3 the following article –

> "**4.** Where an application for consent in pursuance of section 34 of the Control of Pollution Act 1974(c) in respect of any discharge is duly made by a water authority to the Secretary of State before 15th October 1987 and the discharge in question is substantially a continuation of a previous discharge which during the year ending on 14th October 1987 was by virtue of article 3 of the 1983 Order lawfully made without such consent (any reduction of the temperature, volume or rate of the discharge as compared with that of the previous discharge being disregarded), the Secretary of State shall be deemed to have given unconditionally the consent applied for until he actually gives consent or refuses consent.".

(a) 1974 c.40. (b) S.I. 1986/1623. (c) Section 34 is modified in relation to discharges by a water authority by S.I. 1984/1200.

Nicholas Ridley
Secretary of State
for the Environment

12th October 1987

Peter Walker
Secretary of State for Wales

6th October 1987

James Douglas-Hamilton
Parliamentary Under Secretary of State;
Scottish Office

8th October 1987

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order varies the Control of Pollution (Exemption of Certain Discharges from Control) (Variation) Order 1986.

Section 32(1) of the Control of Pollution Act 1974 makes certain discharges of trade or sewage effluent unlawful if made without consent.

The Control of Pollution (Exemption of Certain Discharges from Control) Order 1983 (S.I. 1983/1182) permitted certain discharges authorised by earlier statutes to be continued without consent after section 32(1) came into force. The 1986 Order withdraws many of these exemptions from 15th October 1987.

This Order adds a further transitional provision to the 1986 Order dealing with discharges by water authorities which places them in a similar position to other dischargers to whom the existing transitional provision applies. If an application for consent is made to the Secretary of State by a water authority (in Scotland, a river purification board or an islands council) before 15th October 1987 and certain other conditions are satisfied, the discharge to which the application relates can lawfully be continued pending the determination of the application by the Secretary of State.

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