STATUTORY INSTRUMENTS

1975 No. 450

WATER, ENGLAND AND WALES

The Water Authorities (Control of Outlets and Discharges) Regulations 1975

Made - - - -	*5th March* 1975
Laid before Parliament	*1st April* 1975
Coming into Operation	*1st May* 1975

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred upon them by section 17 of the Water Act 1973(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Water Authorities (Control of Outlets and Discharges) Regulations 1975 and shall come into operation on 1st May 1975.

Territorial extent of exercise of powers

2. These regulations are made by the Secretary of State for Wales in relation to the Welsh National Water Development Authority and their area and by the Secretary of State for the Environment in relation to any other water authority or area.

Interpretation

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

(2) In these regulations, unless the context otherwise requires—

"controlled waters" has the same meaning as in section 1 of the Clean Rivers (Estuaries and Tidal Waters) Act 1960(c);

"new or altered outlet" means any outlet which is wholly or partly constructed on or after the date on which these regulations come into operation or which (whether so constructed or not) is substantially altered after that date;

"new discharge" and "stream" have the same meanings as in the 1951 Act;

"the 1951 Act" means the Rivers (Prevention of Pollution) Act 1951(d);

"the 1961 Act" means the Rivers (Prevention of Pollution) Act 1961(e);

"the relevant Acts" means the Rivers (Prevention of Pollution) Acts 1951 to 1961(f).

(a) 1973 c. 37.
(b) 1889 c. 63.
(c) 1960 c. 54.
(d) 1951 c. 64.
(e) 1961 c. 50.
(f) 1951 c. 64; 1960 c. 54; 1961 c. 50.

Matters to which these regulations apply

4. The provisions of these regulations apply with respect to new or altered outlets or new discharges of water authorities and prescribe the exceptions and modifications subject to which the provisions of the relevant Acts have effect in relation to those matters by virtue of section 17 of the Water Act 1973.

Consent of Secretary of State

5. In relation to new or altered outlets or new discharges of a water authority, the restrictions imposed—

(*a*) by section 7 of the 1951 Act on the bringing into use of new or altered outlets for the discharge of trade or sewage effluent to any stream or the beginning to make new discharges of trade or sewage effluent to any stream or controlled waters, and

(*b*) by section 1 of the 1961 Act on the making of discharges of trade or sewage effluent, being discharges not controlled under the said section 7—

(i) to any stream, or

(ii) to any tidal waters or parts of the sea to which sections 1 to 3 of the 1961 Act apply by virtue of section 9(1) of that Act,

shall have effect as if any reference in either of those sections which is, or which falls to be construed as, a reference to a consent granted by a water authority were a reference to a consent granted or deemed to be granted by the Secretary of State in accordance with these regulations.

Applications for consent

6.—(1) Where a water authority propose to make any new discharge, or to bring into use any new or altered outlet, in relation to which consent is required under the relevant Acts, they shall set out their proposals in the form of a draft consent including all the matters which appear to them to be appropriate for inclusion in the consent they require and shall send a copy thereof to the Secretary of State together with a map showing the location of every discharge or outlet in relation to which consent is required.

(2) At any time during the period of three months beginning with the date on which the water authority send any such proposals to the Secretary of State, he may by notice in writing require the authority to apply to him for a consent authorising those proposals, and thereafter—

(*a*) any application to the Secretary of State in pursuance of such a requirement shall be made by reference to the draft consent embodying the relevant proposals, and

(*b*) the Secretary of State, on receiving any such application, may grant consent either unconditionally or subject to such conditions as appear to him to be reasonable.

(3) Where the said period of three months has elapsed and the Secretary of State has not by notice in writing required the water authority to apply to him for a consent, the draft consent in which the authority's proposals are embodied shall take effect as a consent deemed to have been granted by the Secretary of State.

Variation of conditions

7.—(1) Where a consent has been granted or deemed to be granted to a water authority in accordance with these regulations, the Secretary of State may, after consultation with that authority, give to that authority a notice making any reasonable variation of, or revoking, any condition imposed on that consent, and any condition so varied shall thereafter have effect accordingly.

(2) In this regulation references to varying a condition include references to substituting for any condition any one or more other conditions, and to imposing any new conditions.

Register of conditions

8.—(1) In subsection (7) of section 7 of the 1951 Act any references to conditions imposed under that section shall be treated as including a reference to conditions which have been imposed by virtue of these regulations.

(2) Where a water authority enter in the register maintained by them under the said subsection (7) particulars of any conditions relating to a consent deemed to have been given to them by the Secretary of State in accordance with these regulations, they shall send a copy of those particulars to the Secretary of State within 14 days after they have so entered them.

Anthony Crosland,
Secretary of State for the Environment.

25th February 1975.

John Morris,
Secretary of State for Wales.

5th March 1975.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the exceptions and modifications subject to which the provisions of the Rivers (Prevention of Pollution) Acts 1951 to 1961 controlling new or altered outlets or discharges to streams and other inland or coastal waters of England and Wales are to control any such outlets or discharges used or made by any of the ten water authorities established under the Water Act 1973.

Regulation 5 provides that consents granted, or deemed to be granted, by the Secretary of State in accordance with these regulations shall have the same effect as consents for new or altered outlets or discharges granted to persons other than water authorities under section 7 of the Rivers (Prevention of Pollution) Act 1951 or section 1 of the Rivers (Prevention of Pollution) Act 1961.

Regulation 6 provides for the grant, or deemed grant, by the Secretary of State of consents required by water authorities.

Consents may be unconditional or subject to conditions, and regulation 7 empowers the Secretary of State to vary or revoke any condition, or to impose new conditions, after consultation with the water authority concerned.

Water authorities are required by regulation 8 to enter details of conditions imposed under these regulations in the register of conditions maintained by them under the Rivers (Prevention of Pollution) Act 1951, and to notify the Secretary of State of any new entry relating to a consent deemed to have been given by him.

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