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1950/51

Rivers (Prevention of Pollution) Act, 1951

14 & 15 GEO. 6 CH. 64

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CHAPTER 64

An Act to make new provision for maintaining or restoring the wholesomeness of the rivers and other inland or coastal waters of England and Wales in place of the Rivers Pollution Prevention Act, 1876, and certain other enactments; and to provide for laying before Parliament the annual reports of river boards.

[1st August 1951.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Subject to this Act—

Preliminary.

(a) the functions, in river board areas, of the river board; and

(b) the functions, in excluded areas—

(i) of the Conservators of the River Thames in the Thames catchment area; and

(ii) of the Lee Conservancy Catchment Board in the Lee catchment area; and

(iii) of the council of a metropolitan borough in the area of that borough so far as not included in subparagraph (i) or (ii) of this paragraph; and

(iv) of the county or county borough council in any other area;

shall include the enforcement in their area of this Act, and this Act shall have effect in place of the enactments specified in the First Schedule to this Act.

(2) The Second Schedule to this Act shall have effect—

- (a) for adapting to this Act the River Boards Act, 1948, and other enactments passed before this Act; and
- (b) for adapting the general provisions of this Act in their application outside river board areas and in their application to matters arising wholly or partly before or shortly after the commencement of this Act.

Prohibition
on use of
stream for
disposal of
polluting
matter, refuse,
etc.

2.—(1) Subject to this Act, a person commits an offence punishable under this section—

- (a) if he causes or knowingly permits to enter a stream any poisonous, noxious or polluting matter; or
- (b) if he causes or knowingly permits to enter a stream any matter so as to tend either directly or in combination with similar acts (whether his own or another's) to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences;

and for the purposes of paragraph (a) of this subsection a local authority shall be deemed to cause or knowingly permit to enter a stream any poisonous, noxious or polluting matter, which passes into the stream from any sewer or sewage disposal works vested in them, in any case where either the local authority were bound to receive the matter into the sewer or sewage disposal works, or they consented to do so unconditionally, or they consented to do so subject to conditions and those conditions were observed.

(2) Subsection (1) of this section shall not, by virtue of paragraph (a) thereof, penalise the discharge of anything into a sewer or sewage disposal works vested in a local authority, so that it passes into a stream, in any such case as aforesaid.

(3) Subject to section five of this Act, the said subsection shall not, by virtue of paragraph (a) thereof, penalise the discharge into a stream of any trade effluent or any effluent from the sewage disposal or sewerage works of a local authority, if—

- (a) it is not reasonably practicable to dispose of the effluent otherwise than by discharging it (directly or indirectly) into that or some other stream; and
- (b) all reasonably practicable steps are taken to prevent the effluent being unnecessarily poisonous, noxious or polluting:

Provided that this subsection shall not have effect so long as the period referred to in subsection (2) of section eight of this Act (as varied by any Order in Council under subsection (3) of that section) has not expired or been terminated.

(4) The said subsection shall not, by virtue of paragraph (a) thereof, penalise the discharge of water raised or drained from any underground part of a mine into a stream in the same condition in which it is raised or drained from underground :

Provided that the Minister may by order (which shall be made by statutory instrument and may be varied or revoked by a subsequent order so made by him) direct that this subsection shall not apply to discharges into any specified stream or part of a stream.

(5) The said subsection shall not, by virtue of paragraph (b) thereof, penalise the depositing with the consent of the river board (which shall not be unreasonably withheld) of the solid refuse of a mine or quarry on any land so that it falls or is carried into a stream, if no other site for the deposit is reasonably practicable, and all reasonably practicable steps are taken to prevent the refuse entering the stream.

(6) Any question whether a river board's consent for the purposes of the last foregoing subsection has or has not been unreasonably withheld shall be determined by the Minister.

(7) Any person guilty of an offence punishable under this section shall be liable—

(a) on conviction on indictment, to a fine not exceeding two hundred pounds ; or

(b) on summary conviction, to a fine not exceeding fifty pounds :

Provided that where a person is convicted of any such offence, and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence (whether under this Act or otherwise), he shall be liable, if he is convicted on indictment, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds for every day on which the earlier offence has been so repeated or continued by him or five hundred pounds (whichever is the greater) or to both or, if he is convicted summarily, to imprisonment for a term not exceeding three months or to a fine not exceeding ten pounds for every such day or one hundred pounds (whichever is the greater) or to both.

(8) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection, the expression "director", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.

(9) Where a person is convicted of an offence by virtue of the last foregoing subsection as having at the time of its commission been a director, general manager, secretary or other similar officer of a body corporate within the meaning of that subsection (or been purporting to act in any such capacity), and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by the body corporate after it had been convicted of the earlier offence (whether under this Act or otherwise), he shall be liable to the same penalties as the body corporate under the proviso to subsection (7) of this section, including the imprisonment to which it would be liable if a natural person:

Provided that—

- (a) he shall not be so liable if he shows that at the time of the first-mentioned offence he did not know of the body corporate's conviction for the earlier offence and that at the time of the earlier offence he was not acting or purporting to act in any such capacity; and
- (b) in determining the maximum amount of any fine to which he is so liable any repetition or continuation of the earlier offence by the body corporate shall be disregarded if he shows either—
 - (i) that at the time when the repetition or continuation occurred he was not acting or purporting to act in any such capacity; or
 - (ii) that the repetition or continuation occurred without his consent or connivance and that he exercised all such diligence to prevent its occurrence as he ought to have exercised having regard to the nature of his functions in any such capacity in which he was acting or purporting to act and to all the circumstances.

Prevention
and making
good of
defaults under
s. 2.

3.—(1) Where a river board apprehends that a contravention of subsection (1) of the last foregoing section as respects any stream in their area (whether a new contravention or a repetition or continuation of one already occurred or occurring) is likely to occur—

- (a) by reason of any use or proposed use of the stream or of any land for the disposal of any matter; or
- (b) by reason of any use or proposed use of any land for the storage of any matter; or

- (c) by reason of any use or proposed use of a vessel in a defective state of repair for the carriage of cargoes from which poisonous, noxious or polluting matter may enter the stream ;

then, subject to this Act, the board may apply to the court, and the court (if satisfied of the matters complained of by the application) may make an order prohibiting the use complained of or permitting it only on terms designed to remove the grounds of complaint, or such other order as the court thinks fit.

(2) For the purposes of the proviso to subsection (7) and of subsection (9) of the last foregoing section, an order made against a person under subsection (1) of this section shall be treated as a conviction of an offence punishable under that section, and any contravention by him of subsection (1) of that section shown to have been, or to have been wholly or partly due to, a contravention of or failure to comply with the order shall be treated as a repetition or continuation of that offence by him.

(3) The court to which an application is made for an order under subsection (1) of this section with respect to the disposal or storage of any matter, or which has made such an order, may at the instance of the river board make an order—

- (a) directing the removal from the stream or from any land of any matter which, before the giving of the direction, has been dealt with in the way complained of by the application or prohibited by the first-mentioned order, as the case may be ; and
- (b) authorising the river board, if the direction is not complied with, to undertake the removal and to dispose of the matter removed in any manner authorised by the court.

(4) Any application for an order under subsection (1) of this section shall be made to the county court.

(5) A river board shall, at the request of any person appearing to them to be interested in any land, and at his expense, furnish him or such other person as may be specified in the request with such particulars as may be so specified of any orders made under subsection (1) of this section with respect to any stream in their area, being orders about any use or proposed use of that land or otherwise material to its use.

(6) On a person's conviction of an offence punishable under the last foregoing section which consists in or arises out of the use by him of a stream or of any land for the disposal or storage of any matter, the court by or before which he is convicted may on the application of the river board, of which not less than ten days notice has been given to the person charged,

make any such order as could be made under subsection (3) of this section by a county court on an application for an order prohibiting that use.

(7) Any expenses reasonably incurred by a river board in removing any matter under the authority of an order under subsection (3) or (6) of this section, or in disposing of any matter so removed, may be defrayed out of any money obtained by the board from the disposal of it and, in so far as they are not so defrayed, shall be recoverable as a simple contract debt due to them from the person in default under the order.

Cleansing
bed of
stream,
cutting
vegetation
&c.

4.—(1) Subject to this Act, a person commits an offence punishable under this section—

(a) if, without the consent of the river board (which shall not be unreasonably withheld), he cleanses any part of the channel or bed of a stream from a deposit accumulated by reason of any dam, weir, or sluice holding back the water of the stream, and does so by causing the deposit to be carried away in suspension in the water of the stream; or

(b) if, by his wilful default and without the consent of the river board (which shall not be unreasonably withheld), any substantial amount of vegetation cut or uprooted in the stream, or so near to the stream that it falls in, is allowed to remain in the stream.

(2) Paragraph (a) of the foregoing subsection shall not apply to anything done in the exercise of statutory powers conferred by or under any enactment referring to land drainage, flood prevention or navigation.

(3) Any question whether a river board's consent for the purposes of paragraph (a) or paragraph (b) of subsection (1) of this section has or has not been unreasonably withheld shall be determined by the Minister.

(4) Any person guilty of an offence punishable under this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

Bye-laws.

5.—(1) A river board may by bye-laws make such provision as respects any stream or part of a stream in their area as appears to them expedient—

(a) for prescribing standards for the purpose of determining when matter is to be treated as poisonous, noxious or polluting for the purposes of this Act;

(b) for prohibiting or regulating the washing or cleansing in the stream of things of any class or description, or the putting into the stream of litter or other objectionable matter, whether poisonous, noxious or polluting or not;

- (c) for prohibiting or regulating the keeping or use on the stream of vessels provided with sanitary appliances from which polluting matter passes or can pass into the stream.

A river board in exercising the powers conferred by this subsection to make bye-laws for any stream or part of a stream shall have regard to the character and flow of the stream and to the extent to which the stream is or may in the future be used for industrial purposes, fisheries, water supply, agriculture, transport or navigation, and before making any such bye-laws by virtue of paragraph (a) of this subsection shall make such survey (if any) as may be necessary of the area in which that stream or part of a stream is situated.

(2) For the avoidance of doubt it is hereby declared that bye-laws made by virtue of paragraph (a) of the foregoing subsection may prescribe standards for the purpose of determining when matter is to be treated as poisonous, noxious or polluting—

- (a) by reason of its temperature ;

- (b) by reason of its effect in discolouring a stream ;

and may provide for an effluent to be, or not to be, so treated according to the relation between the volume and rate of flow of the water of the stream and the volume and rate of discharge of the effluent.

(3) In so far as standards are prescribed for any stream or part of a stream by bye-laws so made, they shall be conclusive for the purposes of this Act on the question what is or is not poisonous, noxious or polluting in relation to that stream or part; and where any such effluent as is mentioned in subsection (3) of section two of this Act is poisonous, noxious or polluting in any respect in which it ought to comply with a standard so prescribed, that subsection shall not apply to the effluent.

(4) No matter entering a stream shall, in any respect in which it complies with a standard so prescribed, be treated for the purposes of subsection (1) of section eight of the Salmon and Freshwater Fisheries Act, 1923 (which penalises the discharge of poisonous matter into waters containing fish), as causing the water to be poisonous or injurious to fish or to the spawning grounds, spawn or food of fish.

(5) Where, in consequence of the making of any bye-laws by virtue of paragraph (a) of subsection (1) of this section as respects any stream or part of a stream, a person who is or has been discharging any trade or sewage effluent into that stream or part proposes to take steps either—

- (a) to ensure that the effluent will comply with the standards prescribed by the bye-laws ; or

- (b) to enable him to discontinue the discharge ;

but those steps could not be taken or completed before the date when the bye-laws come into force, then he may apply to the river board (whether before or after that date) and the board, if they are satisfied that it is reasonable so to do, may direct that for such period as may be specified in that or any subsequent direction the effluent shall be treated as complying with those standards so long as such conditions (if any) as may be so specified are observed (including, in particular, conditions requiring the steps proposed to be taken to be completed within such time, by such stages and with such modifications as may be so specified, if any).

(6) Before making bye-laws under this section as respects any stream or part of a stream, a river board shall give reasonable notice of their intention to do so to any body of persons designated to them for this purpose by the Minister as being representative of a class of persons having a material interest in the waters of the stream or of a part of it to which the bye-laws are to relate.

(7) Any person contravening bye-laws made by virtue of paragraph (b) or (c) of subsection (1) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds and, where a contravention of bye-laws made by virtue of the said paragraph (c) is continued after a person has been convicted therefor, that person shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding five pounds for every day on which the contravention is so continued.

Extension of
ss. 2 to 5 to
estuaries
and coastal
waters.

6.—(1) Subject to this section, the Minister may by order direct that all or any of the provisions of sections two to five of this Act shall apply to any tidal waters or parts of the sea specified in the order as they apply to streams, subject however to any modifications of those provisions and to any restrictions on the powers exercisable thereunder by a river board which may be so specified.

(2) Any order under this section may be varied or revoked by a subsequent order of the Minister, and shall be made by statutory instrument.

(3) The Minister shall not make an order under this section except on the application of a river board or of some other person appearing to him to be interested, or without the holding of a public local inquiry.

(4) Every application for an order under this section shall set out a draft of the proposed order, and the Minister may make the order either in terms of the draft or with such modifications as he thinks desirable.

(5) At least one month before application is made for an order under this section, notice of the intention to make the application shall be given in the London Gazette and one or more local

newspapers circulating in the area affected, and a copy of the application shall be sent to any river board, or county or borough or district council, whose area is wholly or partly within the area affected (not being the applicant).

(6) For at least one month before application is made for an order under this section, a copy of the application shall be kept at the offices of any river board whose area is wholly or partly within the area affected, and shall at all reasonable hours be open to public inspection without charge, and the board shall supply copies free of charge to any person appearing to the board to be interested.

Any copies required by a river board for the purposes of this subsection shall, where it is not their application, be supplied to them free of charge by the applicant.

(7) Notwithstanding anything in an order under this section, paragraph (c) of subsection (1) of section three of this Act shall not apply to the use or proposed use of a vessel in any tidal waters or parts of the sea in which a harbour authority within the meaning of the Merchant Shipping Act, 1894, exercises jurisdiction.

7.—(1) Subject to this section, no person shall without the consent of the river board (which consent shall not be unreasonably withheld) bring into use any new or altered outlet for the discharge of trade or sewage effluent to a stream or begin to make any new discharge of trade or sewage effluent to a stream.

Restrictions
on new outlets
and new
discharges.

(2) On an application for consent under the foregoing subsection the river board may grant their consent subject to such conditions as they may reasonably impose, being—

- (a) in the case of a new or altered outlet, conditions as to the point of discharge into the stream or the construction of the outlet, or as to the use of that outlet or any other outlet for trade or sewage effluent from the same land or premises; and
- (b) in the case of a new discharge, conditions as to the nature and composition, temperature, volume or rate of discharge of effluent from the land or premises from which the new discharge is to be made.

(3) A river board shall not grant their consent to the bringing into use of a new or altered outlet unless the outlet is so constructed as to comply with any conditions reasonably imposed by the board to enable them to exercise their right to take samples of the effluent.

(4) Where, without the consent of the river board, there is brought into use a new or altered outlet for the discharge of trade or sewage effluent to a stream, or there begins to be made a new

discharge of trade or sewage effluent to a stream, the river board may give the person using the outlet or making the discharge, as the case may be, a notice imposing any such conditions as they might have imposed on an application for their consent for bringing the outlet into use or beginning to make the discharge.

(5) A river board shall from time to time review any condition imposed under this section (other than a condition to be satisfied before an outlet is brought into use or a new discharge begins to be made), and may give the person using the outlet or making the discharge, as the case may be, a notice making any reasonable variation of or revoking any such condition; and the Minister may, if he thinks fit so to do, direct the board to vary or revoke any such condition and, if the board fail within such period as the Minister may allow to give effect to any such direction, the Minister may himself give a notice as aforesaid.

(6) Any conditions imposed under this section shall continue in force (subject to any variation under the last foregoing subsection) until revoked under that subsection, and shall be binding on any person using the outlet, or discharging effluent from the land or premises, to which the condition relates.

(7) Every river board shall maintain a register containing such particulars as the Minister may direct of conditions which have been imposed under this section in relation to outlets in their area, or in relation to effluent from land or premises in their area, and are for the time being in force (except conditions to be satisfied before the outlet is brought into use or the new discharge begins to be made), and so much of the register as relates to any outlet, or to any land or premises—

(a) shall be open to inspection at all reasonable hours by any person appearing to the river board to be interested in the outlet, or in the land or premises, as the case may be, or by any person authorised by him; and

(b) in favour of a person charged under this section with causing or knowingly permitting to enter a stream an effluent not complying with any such conditions, shall be conclusive as to the conditions with which the effluent is required to comply.

(8) For the purposes of this section—

(a) the expression “new or altered outlet” means any outlet which is wholly or partly constructed on or after the date on which this section comes into force or which (whether so constructed or not) is substantially altered after that date;

(b) the expression “new discharge” means a discharge which is not, as respects the nature and composition, temperature, volume and rate of discharge of the effluent,

substantially a continuation of a previous discharge made within the preceding twelve months (whether by the same or a different outlet), so however that a discharge which is in other respects a continuation of a previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

(9) Subsection (1) of this section shall not apply to the bringing into use of any new or altered outlet which forms part of the sewage disposal or sewerage works of a local authority if its construction or alteration, as the case may be, or the raising of a loan to defray the cost thereof, has been approved or authorised by the Minister or, before the thirtieth day of January, nineteen hundred and fifty-one, by the Minister of Health.

(10) Any question whether the consent of a river board has or has not been unreasonably withheld or as to the reasonableness of any conditions or of any variation of any conditions shall be determined for the purposes of this section by the Minister.

(11) If, on an application to the Minister for him to determine a question under the last foregoing subsection, he determines that the withholding of consent, or the condition imposed, or the variation of a condition, as the case may be, was unreasonable, then—

- (a) where the application was in respect of the withholding of consent, he may direct that the consent shall be treated as given either unconditionally or subject to such conditions as appear to him to be reasonable ;
- (b) where the application was in respect of the unreasonableness of any condition imposed, he may direct either that the condition shall be treated as annulled or that there shall be substituted for it such condition as appears to him to be reasonable ;
- (c) where the application was in respect of the reasonableness of any variation of a condition, he may direct either that the condition shall be treated as continuing in force unvaried or that it shall be varied in such manner as appears to him to be reasonable ;

but, as respects the period before the giving of the direction, this section shall apply as if the withholding of consent, or the condition imposed, or the variation of a condition, as the case may be, had not been unreasonable.

(12) If a river board fail, within three months of the making to them of an application for their consent under this section, to give the person proposing to bring into use the new or altered

outlet or to begin to make the new discharge, as the case may be, notice that they give or refuse their consent, the consent shall be deemed to be given unconditionally at the expiration of those three months.

(13) Where a person, in contravention of this section, brings into use a new or altered outlet or begins to make a new discharge without obtaining the consent of the river board or without observing any conditions imposed by the river board in giving their consent under this section (being conditions to be satisfied before the outlet is brought into use or the new discharge begins to be made), he shall be liable—

(a) on conviction on indictment, to a fine not exceeding two hundred pounds; or

(b) on summary conviction, to a fine not exceeding fifty pounds.

(14) No person shall cause or knowingly permit to enter a stream by an outlet, or from land or premises, in relation to which conditions have been imposed under this section and are for the time being in force, a trade or sewage effluent not complying with those conditions, and any person who does so shall be guilty of an offence punishable under section two of this Act.

(15) Section three of this Act shall apply in relation to the last foregoing subsection as it applies in relation to subsection (1) of section two of this Act.

(16) Subject to the following subsection, no person shall bring into use any new or altered outlet for the discharge of trade or sewage effluent to any tidal waters or part of the sea included in a river board area for the purposes of the river board's functions relating to fisheries, or begin to make any new discharge of trade or sewage effluent to any such waters or part of the sea, unless—

(a) he has given the river board notice of his intention to do so not less than three months beforehand (or such less period as the board may agree to); and

(b) in the case of a new or altered outlet, the outlet is so constructed as to comply with any conditions reasonably imposed by the board to enable them to exercise their right to take samples of the effluent;

and any person contravening this subsection shall be liable, on conviction on indictment, to a fine not exceeding two hundred pounds or, on summary conviction, to a fine not exceeding fifty pounds:

Provided that this subsection shall not apply to the bringing into use of any new or altered outlet which forms part of the sewage disposal or sewerage works of a local authority if its

construction or alteration, as the case may be, or the raising of a loan to defray the cost thereof, has been approved or authorised by the Minister or, before the thirtieth day of January, nineteen hundred and fifty-one, by the Minister of Health.

(17) Section six of this Act shall apply in relation to the foregoing provisions of this section, except the last foregoing subsection, as it applies in relation to sections two to five of this Act, and the last foregoing subsection shall not apply in relation to any tidal waters or parts of the sea to which any of the preceding provisions of this section are applied by virtue of this subsection.

8.—(1) Subject to this Act, proceedings for a contravention of subsection (1) of section two of this Act in respect of any trade effluent or any effluent from the sewage disposal or sewerage works of a local authority shall not be instituted except by the Attorney General or a river board, and proceedings for any other offence against this Act shall not be instituted except by or with the consent of the Attorney General or by a river board. Restrictions
on proceedings.

(2) Proceedings for a contravention of subsection (1) of section two of this Act in respect of any such effluent as aforesaid shall not be instituted by a river board without the consent of the Minister, nor shall a river board apply, without his consent, for an order under subsection (1) of section three of this Act in respect of any apprehended contravention as aforesaid:

Provided that this subsection shall not apply to a contravention arising only from the effluent not complying with a standard prescribed by bye-laws under this Act or to any contravention occurring or apprehended after the end of the period of seven years beginning with the date of the passing of this Act.

(3) If at any time before the expiration of the said period of seven years (or of that period as previously extended under this subsection) an address is presented to His Majesty by each House of Parliament praying that the period shall be extended for a further year or for a specified number of years from the time at which it would otherwise expire, or shall be terminated on a specified date before that time, His Majesty may by Order in Council direct that the period shall be so extended or terminated.

(4) Proceedings for any offence against this Act shall not be taken by a river board until the expiration of one month after notice has been given to the offender that the taking of such proceedings is being considered.

(5) Any proceedings under the Summary Jurisdiction Acts which may be taken by a river board for a contravention of subsection (1) of section two of this Act in a case where the consent of the Minister is required by subsection (2) of this section

to the taking of the proceedings may, notwithstanding anything to the contrary in those Acts, be taken at any time within two months of the giving of the consent, so long as they are not taken more than twelve months from the date of the commission of the offence.

Combination of sewage disposal or sewerage systems.

9.—(1) Where the Minister considers it expedient so to do for reasons connected with the prevention of river pollution (including the pollution of the tidal part of any river), he may—

(a) make an order under section six of the Public Health Act, 1936, providing for the constitution, for the purpose of discharging functions relating to sewage disposal or sewerage, of a united district consisting of districts or parts of districts of local authorities, and for the constitution under that section for the purpose aforesaid of a joint board for that united district, notwithstanding that no application in that behalf is made to him by the local authorities for the districts concerned or by any of those authorities ;

(b) make an order providing that any sewer vested in a local authority shall communicate with a sewer of, or discharge into sewage disposal works of, any other local authority in such manner, and not later than such date, as may be determined by or in accordance with the order.

(2) Any order made under paragraph (b) of the foregoing subsection, if objected to by any of the local authorities concerned, shall be subject to special parliamentary procedure.

(3) Where the Minister makes an order under the said paragraph (b), the local authorities concerned may enter into an agreement for giving effect to the order and as to their respective rights and liabilities in relation to the communication or discharge, and in the event of any failure to agree the difference shall be determined by the Minister.

Reports of river boards.

10. The Minister shall lay before each House of Parliament copies of the reports of river boards sent to him in each year under section twelve of the River Boards Act, 1948.

Interpretation.

11.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ excluded area ” means any area originally excluded from section one of the River Boards Act, 1948, and not subsequently included in a river board area ;

“ local Act ” includes enactments in a public general Act which amend a local Act ;

“ local authority ” means a sewerage authority as defined by section ninety of the Public Health Act, 1936, but includes also—

(a) the mayor, commonalty and citizens of the City of London ;

(b) a harbour board within the meaning of the Railway and Canal Traffic Act, 1888, where any sewer of a local authority discharges into a sewer or sewage disposal works of the harbour board ; and

(c) a development corporation within the meaning of the New Towns Act, 1946, where the development corporation is by virtue of an order under subsection (2) of section nine of the said Act of 1946 entitled to exercise any powers under section fifteen of the Public Health Act, 1936 ;

“ the Minister ” means the Minister of Local Government and Planning ;

“ river board ” means, in relation to any area, the river board exercising in relation to that area functions transferred to them by section four of the River Boards Act, 1948, and “ river board area ” does not include any area in relation to which no river board has yet become entitled to exercise such functions ;

“ sewage effluent ” includes any effluent from the sewage disposal or sewerage works of a local authority ;

“ statutory order ” means an order, bye-law, scheme or award made under an Act of Parliament, including an order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure ;

“ stream ” includes any river, stream, watercourse or inland water (whether natural or artificial), except that it does not include either—

(a) any lake or pond which does not discharge to a stream ; or

(b) any sewer vested in a local authority ;
or (save as otherwise provided by this Act) any tidal waters, but any reference to a stream includes a reference to the channel or bed of a stream which is for the time being dry ;

“ tidal waters ” includes the waters of any enclosed dock which adjoins tidal waters ;

“ trade effluent ” includes any liquid (either with or without particles of matter in suspension therein) which is discharged from premises used for carrying on any trade

or industry, other than surface water and domestic sewage, and for the purposes of this definition any land or premises wholly or mainly used (whether for profit or not) for agricultural or horticultural purposes or for scientific research or experiment shall be deemed to be premises used for carrying on a trade or industry.

(2) For the purposes of this Act matter shall not be deemed to enter a stream on passing from one stream to another, but the two shall be regarded as together forming a single stream.

(3) Subject to any bye-laws made by virtue of paragraph (a) of subsection (1) of section five of this Act, matter shall not be deemed for the purposes of this Act to be poisonous, noxious or polluting by reason of any effect it may have in discolouring a stream, if the discolouration is innocuous.

(4) Where under any provision of this Act an order of the Minister is to be subject to special parliamentary procedure if objected to by any authority specified in that provision, the Minister before making the order shall give the authorities so specified notice of his intention to do so, setting out a provisional draft of the order and stating the time, not being less than twenty-eight days, within which objections may be made; and the order shall not be subject to special parliamentary procedure if—

(a) it is made in terms of the draft or with such modifications only as appear to the Minister to be immaterial for this purpose; and

(b) either no objections are made by any such authority within the time so stated or all objections so made are withdrawn;

but in any other case the order shall be subject to special parliamentary procedure.

(5) Nothing in this Act shall be taken as prejudicing the power conferred by section twenty-two of the River Boards Act, 1948, on the Ministers under that Act to exercise functions of a river board where the board is in default, or the power conferred by paragraph 11 of the Second Schedule to that Act on a river board to act by a committee, and references in this Act to a river board shall be construed accordingly.

(6) Nothing contained in this Act shall affect the law relating to nuisance.

(7) Nothing contained in this Act shall affect section thirty-four of the Water Act, 1945 (which relates to temporary discharges of water by water undertakers in connection with the construction etc. of works forming part of their undertaking), or any provisions of a local Act or statutory order which expressly confer power to discharge effluent to any stream or other waters.

12.—(1) This Act may be cited as the Rivers (Prevention of Pollution) Act, 1951. Short title,
repeal, extent
and commence-
ment.

(2) The enactments specified in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) This Act shall not extend to Scotland except in so far as it repeals the Rivers Pollution Prevention (Border Councils) Act, 1898, and shall not extend to Northern Ireland.

(4) Except as otherwise provided in this Act, this Act shall come into force at the expiration of two months beginning with the date of its passing :

Provided that in any area which at the expiration of those two months is included neither in a river board area nor in an excluded area this Act shall come into force on the day on which the area is first included in a river board area.

SCHEDULES

FIRST SCHEDULE

ENACTMENTS REPLACED BY THIS ACT

Section sixty-nine of the Public Health Act, 1875.

The Rivers Pollution Prevention Act, 1876 (except section seven).

The West Riding of Yorkshire Rivers Act, 1894.

Subsection (2) of section eight of the Salmon and Freshwater Fisheries Act, 1923.

Sections twenty-one to twenty-six of the Essex County Council Act, 1933.

Part IV of the Lancashire County Council (Rivers Board and General Powers) Act, 1938.

Sections one hundred and forty-eight, one hundred and forty-nine and one hundred and fifty-one to one hundred and fifty-five of the Middlesex County Council Act, 1944.

Sections thirty-nine to forty-five of the Cumberland County Council Act, 1948.

Such other enactments contained in any local Act or statutory order as may be added to this Schedule by an order of the Minister (which shall be made by statutory instrument and, if objected to by any authority authorised to enforce this Act and having functions under the local Act or statutory order, or by any local authority having such functions, shall be subject to special parliamentary procedure).

SECOND SCHEDULE

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

Adaptations of River Boards Act, 1948

1.—(1) The duty of a river board under subsection (1) of section nine of the River Boards Act, 1948, in exercising the functions conferred on or transferred to them by that Act, to conserve so far as practicable the water resources of their area shall apply also to the exercise of their functions under this Act.

(2) Where, in the case of an area not included in a river board area before the coming into force of this Act, functions under this Act which become exercisable by the river board in relation to the area at the time when it is first so included, or functions substantially the same under some other Act, cease at that time to be exercisable in relation to the area by some other body, the provisions of the River Boards Act, 1948, relating to the transfer of functions to a river board by or under that Act or to matters arising out of any such transfer shall apply as if there were at that time a transfer under section four of that Act to the river board of the functions in relation to that area then ceasing to be exercisable by the other body.

2.—(1) Notwithstanding anything in the River Boards Act, 1948, a river board area shall, for the purposes of the functions of the river board relating to river pollution, include any tidal waters or parts of the sea adjoining the coast of the river board area to which any of

the provisions of sections two to five or section seven of this Act for the time being apply by virtue of an order under section six of this Act. —cont.

(2) Any tidal waters or parts of the sea adjoining the coast of a river board area shall be deemed to be included in the expression "river, stream, watercourse or inland water" for the purposes of the river board's powers under section fifteen of the said Act of 1948 (which gives power to take samples of effluents).

3. For the purposes of a river board's functions relating to river pollution, sections sixteen and seventeen of the River Boards Act, 1948 (which confer powers of entry and inspection and penalise persons obstructing the exercise of those powers), shall apply in relation to vessels as they apply in relation to land.

4.—(1) In relation to a river board's bye-laws under this Act, subsection (4) of section eighteen of the River Boards Act, 1948 (which provides among other things that Ministers when confirming a river board's bye-laws may modify them, subject to the consent of the river board), shall have effect with the substitution of the words "after consultation with the river board" for the words "subject to the consent of the river board."

(2) A river board's bye-laws under this Act shall not be confirmed under the said subsection (4) without a public local inquiry, if any written objection to their confirmation has been received by the Ministers and has not been withdrawn:

Provided that this sub-paragraph shall not apply to any objection if in the opinion of the Ministers the person making it has no material interest in the stream or part of a stream to which the bye-laws relate.

(3) Nothing in section thirty-four of the said Act of 1948 shall enable the powers of the Ministers under that Act in relation to the making of bye-laws under this Act to be exercised by one of them without the other.

(4) In this paragraph the expression "the Ministers" means the Minister and the Minister of Agriculture and Fisheries.

Adaptations for Thames, Lee and London areas

5.—(1) Where immediately before the coming into force of this Act the functions relating to river pollution of the rivers authority for an excluded area are exercisable in relation to any tidal waters in that area, those tidal waters shall be included in the expression "stream" for the purposes of this Act.

(2) Subject to the foregoing sub-paragraph, sections two to eight of this Act (except the last two subsections of section seven) shall apply in relation to any excluded area as if it were a river board area and as if the rivers authority for the area were a river board.

(3) The Minister may by order direct that all or any of the provisions of sections fifteen to twenty, section twenty-two and section twenty-four of the River Boards Act, 1948, as amended by this Act (which sections contain supplementary provisions as to the powers and procedure of river boards and similar matters) shall apply for the purpose of the functions under this Act of the rivers authority for any excluded area as if the authority were a river board and their area a river board area, subject to such modifications as may be specified in the order.

2ND SCH.
—cont.

(4) Where a local Act or statutory order, for the purpose of any functions of a rivers authority relating to river pollution, made provision similar to any of the said provisions of the River Boards Act, 1948, an order of the Minister under the last foregoing sub-paragraph may apply the provision so made, instead of that of the said Act of 1948, or may apply the provision of the said Act of 1948 for the purpose of any functions of the rivers authority to which the provision made by the local Act or statutory order applied, as well as for the purpose of their functions under this Act.

(5) In this paragraph, the expression "rivers authority" means, in relation to any excluded area, the authority by which this Act is to be enforced in that area.

6. All payments by the Conservators of the River Thames for and on account of this Act shall be made out of the conservancy fund within the meaning of section one hundred and eighty-nine of the Thames Conservancy Act, 1932.

General transitional provisions

7.—(1) A person who brings into use any new or altered outlet for the discharge of trade or sewage effluent to any waters in or adjoining the coast of any area, or begins to make any new discharge of trade or sewage effluent to any such waters, shall be deemed for the purposes of section seven of this Act to do so with the consent of the river board (or, in a case to which the penultimate subsection of that section applies, to have complied with that subsection) if—

- (a) he does so within three months of the time when the area is first included in a river board area ; and
- (b) where he was or but for this Act would have been required to give notice of his intention so to do by a provision corresponding to the said section seven which immediately before that time was in force in that area, he complied with the requirements of that provision.

(2) For the purposes of this paragraph the provisions corresponding to section seven of this Act shall be taken to be subsection (2) of section eight of the Salmon and Freshwater Fisheries Act, 1923, and any similar provision contained in a local Act or statutory order and requiring notice to be given to the council of a county, county borough or county district, or to a joint board or joint committee of any such councils, for the purpose of their functions relating to river pollution.

(3) This paragraph shall not apply to any area originally excluded from section one of the River Boards Act, 1948.

8.—(1) Any proceedings begun before the coming into force of this Act—

- (a) for an order of the county court under section ten of the Rivers Pollution Prevention Act, 1876 ; or
- (b) for an order of the county court or of a court of summary jurisdiction under any similar provision contained in a local Act or statutory order ;

may be carried on, and any order made in any such proceedings (whether before or after the coming into force of this Act) shall continue in force, and any further proceedings may be had by virtue of or in relation to any order so made, as if this Act had not been passed.

(2) Subsection (2) of section three of this Act shall apply to any such order as is mentioned in paragraph (a) or (b) of the foregoing sub-paragraph, as it applies to an order under subsection (1) of that section. 2ND SCH. —cont.

9. Any order under section twenty of the Rivers Pollution Prevention Act, 1876, or under section fifty-five of the Salmon and Fresh-water Fisheries Act, 1923, which is in force at the coming into force of this Act shall have effect, for the purposes of this Act, as if it were an order under section six of this Act and extended sections two to five and section seven (except the two last subsections) of this Act to the waters which, by virtue of the order, were included in the definition of "stream" for the purposes of the said Act of 1876.

10. Where by any provision contained in a local Act or statutory order power is immediately before the coming into force of this Act conferred on a body carrying on a water undertaking to enforce the Rivers Pollution Prevention Act, 1876, for the protection of that undertaking, then that provision shall have effect as if conferred on that body power to enforce section two of this Act for the same purposes and subject to the same conditions and restrictions, if any (other than the conditions and restrictions imposed by the said Act of 1876), and accordingly for the purpose of proceedings taken in the exercise of that power—

- (a) subsection (1) of section eight of this Act shall not apply ; and
- (b) section three and subsections (2) and (5) of section eight of this Act shall apply as if references to a river board were references to that body.

*Power to make further provision with respect to local
Acts and statutory orders*

11.—(1) The Minister may by order make such further provision as appears to him necessary or expedient in consequence of this Act for adapting to this Act any local Act or statutory order which contains provisions relating to river pollution, for amending or repealing any such Act or order and for making any savings or additional savings from the effect of any repeal made by or under this Act of the whole or part of any such Act or order, including any provision appearing to him to be necessary or expedient as aforesaid by reason of any order made or proposed to be made under section seven of the River Boards Act, 1948 (which provides for bringing into river board areas areas originally excluded from section one of that Act), or under any other provision of this Act.

(2) Any order made under this paragraph, with respect to any local Act or statutory order, if objected to by any authority authorised to enforce this Act and having functions under the local Act or statutory order, or by any local authority having such functions, shall be subject to special parliamentary procedure.

Supplementary

12.—(1) Any order of the Minister under this Schedule may be varied or revoked by a subsequent order made by him.

(2) Any power of the Minister to make an order under this Schedule shall be exercisable by statutory instrument.

THIRD SCHEDULE

REPEALS

Session and Chapter	Short Title	Extent of Repeal
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Section sixty-nine, except as respects proceedings instituted before the coming into force of this Act.
39 & 40 Vict. c. 75.	The Rivers Pollution Prevention Act, 1876.	The whole Act, except section seven.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section fourteen.
56 & 57 Vict. c. 31.	The Rivers Pollution Prevention Act, 1893.	The whole Act.
57 & 58 Vict. c. clxvi.	The West Riding of Yorkshire Rivers Act, 1894.	The whole Act, except section four.
61 & 62 Vict. c. 34.	The Rivers Pollution Prevention (Border Councils) Act, 1898.	The whole Act.
13 & 14 Geo. 5. c. 16.	The Salmon and Fresh-water Fisheries Act, 1923.	Subsection (2) of section eight and section fifty-five.
20 & 21 Geo. 5. c. 44.	The Land Drainage Act, 1930.	Section fifty-six; paragraph (a) of, and the proviso to, section seventy-three.
23 & 24 Geo. 5. c. xlv.	The Essex County Council Act, 1933.	Sections twenty-one to twenty-six; in section thirty, paragraph (c) of subsection (1) and subsection (6); sections thirty-one, thirty-two, thirty-six and thirty-seven; subsection (1) of section forty-three; in subsection (1) of section forty-seven, the words "pollution or"; in section fifty-one the words "the Rivers Pollution Prevention Acts, 1876 and 1893, or"; subsection (2) of section fifty-two.
24 & 25 Geo. 5. c. 40.	The Administration of Justice (Appeals) Act, 1934.	In Part I of the Schedule, the entry relating to section eleven of the Rivers Pollution Prevention Act, 1876.
1 & 2 Geo. 6. c. xciv.	The Lancashire County Council (Rivers Board and General Powers) Act, 1938.	Section six; Part IV; section seventy-four; Part VII.
7 & 8 Geo. 6. c. xxi.	The Middlesex County Council Act, 1944.	Sections one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty-one to one hundred and fifty-five, and one hundred and fifty-seven; in subsection (1) of section one hundred and

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Geo. 6. c. xxi.— <i>cont.</i>	The Middlesex County Council Act, 1944.— <i>cont.</i>	sixty-one, the words “pollution or”; paragraphs (2) and (3) of and the proviso to section one hundred and sixty-five; in section one hundred and seventy-one the words “under the Rivers Pollution Prevention Acts, 1876 and 1893, or”; subsection (1) to the last “and” and subsection (2) of section one hundred and seventy-seven.
11 & 12 Geo. 6. c. 32.	The River Boards Act, 1948.	In subsection (1) of section four the words “section sixty-nine of the Public Health Act, 1875, the Rivers Pollution Prevention Act, 1876, and”; paragraph (b) of subsection (1) of section five; subsection (1) of section thirty-seven; in the Third Schedule, in paragraph 2 the word “fifty-six”, in paragraph 10 the words “subsection (1) of section fifty-five”, paragraph 14 (except as respects proceedings instituted before the coming into force of this Act) and paragraphs 15 and 16.
11 & 12 Geo. 6. c. xliii.	The Cumberland County Council Act, 1948.	Sections thirty-nine to forty-five; in section forty-six, paragraphs (b) and (c) of subsection (1) and subsection (6); sections forty-seven and forty-eight; subsection (2) of section fifty-three; in section eighty-four, paragraphs (1), (2), (3) and (5) and in paragraph (4) the words “and section forty (notice for discontinuance of pollution)”.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Health Act, 1875	38 & 39 Vict. c. 55.
Rivers Pollution Prevention Act, 1876 ...	39 & 40 Vict. c. 75.
Railway and Canal Traffic Act, 1888 ...	51 & 52 Vict. c. 25.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
West Riding of Yorkshire Rivers Act, 1894	57 & 58 Vict. c. clxvi.
Rivers Pollution Prevention (Border Councils) Act, 1898.	61 & 62 Vict. c. 34.
Salmon and Freshwater Fisheries Act, 1923.	13 & 14 Geo. 5. c. 16.
Thames Conservancy Act, 1932	22 & 23 Geo. 5. c. xxxvii.
Essex County Council Act, 1933	23 & 24 Geo. 5. c. xlv.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Lancashire County Council (Rivers Board and General Powers) Act, 1938.	1 & 2 Geo. 6. c. xciv.
Middlesex County Council Act, 1944 ...	7 & 8 Geo. 6. c. xxi.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.
Cumberland County Council Act, 1948 ...	11 & 12 Geo. 6. c. xliii.

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