The Law Related to Pollution Control in the U.K.

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I. U.K. Constitution

The United Kingdom has a unitary constitution encompassing the member countries England, Wales, Scotland and Northern Ireland. Parliament, consisting of elected representatives from each country, exercises legislative authority over all territories within the U.K. In practice, some Acts of Parliament may extend to Wales, Scotland and Northern Ireland, others may provide only for England and Wales with separate Acts for Scotland and Northern Ireland.

The United Kingdom Government is a central executive body responsible to Parliament and exercising powers throughout the United Kingdom. Scotland, Wales and Northern Ireland each have a Secretary of State who discharges delegated functions by issuing regulations for their respective territories. Those functions include public health and general environmental matters.

Subordinate Public Authorities have been established by Parliament to exercise legislative and executive functions throughout defined regions or localities. Local authorities such as county or district councils are elected bodies with wide ranging duties within their localities. Other public authorities, such as Water Authorities, are not usually elected bodies and have more limited powers used for a particular purpose.

In England and Wales, the principal local authorities form a two tier system for regions outside London: metropolitan county councils, which govern large conurbations; non-metropolitan county councils, which govern other large areas; and district councils which discharge functions within districts into which all

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counties are divided. There are special provisions for the Greater London area.

All legislation passed by a local authority requires the approval of the relevant Central Government Minister and control over many local authorities is achieved through financial sanctions. If a local authority wishes to raise a loan of £100,000, or the equivalent of 1p rate in the pound, the approval of the relevant minister is required. Local authorities also rely on grants from Central Government, which may be reduced or withheld if an efficient service is not provided. Ministerial influence in many matters is strong and guidance to local authorities is given by means of ministry circulars. However, being elected bodies themselves, local authorities are able to make a wide range of policy decisions.

II. Sources of Laws Governing Pollution Control

Two principal sources of laws governing pollution control in the U.K. are Common Law and statutory provisions. The latter include statutes passed by Parliament and laws enacted by bodies exercising powers delegated to them by Parliament.

The legal principles of Common Law are based on a body of established precedent cases involving the relationships between individuals. Individuals are given defined rights under Common Law enforceable by civil actions such as trespass and private nuisance. The development of Common Law took place long before widespread pollution came to be regarded as unacceptable and the only criminal action which can be taken under Common Law to prevent pollution is that of public nuisance. Generally, the principles of Common Law have little application in pollution control.

Statutory provisions have proved to be a more effective means for control of pollution in the U.K. Acts of Parliament specifically designed for pollution control, delegated legislation, such as regulations made by ministers of the crown and byelaws made by local and other public authorities, are the basis of statutory provisions. Most provisions are enforceable by criminal sanctions.

A dichotomy therefore exists in the laws of pollution control. Common Law
protects individual rights and awards compensation where violation occurs. Statutory provisions provide controls backed by criminal penalties. These principal forms of legal control operate independently and according to different standards. For example, for certain degrees of river pollution there are rights to compensation but no penalties and for some degrees of air pollution there are penalties but no rights to compensation. It has been argued that if the law is to serve two functions, those of ensuring acceptable standards of environmental quality and compensating those who suffer damage when pollution occurs, the two systems must at least be based on one coherent theory of man's legal rights and duties towards others who share his environment. This is not so at the present time in the U.K.

III. Agencies concerned with Pollution Control

1. Central Government Departments

The policy of successive governments has been to leave pollution control to those central government departments whose activities either generate pollution or are affected by it. The advantages of this system are that responsibility to Parliament is ensured for the exercise of controls and that those most directly concerned are given control. However, the main disadvantage is that conflicts of interest between the promotion of an activity and the pollution created by it may be resolved within one department without all the facts being made public. The former interest may override the latter without adequate public debate and publicity. This is in contrast to the situation in the United States of America where the Environmental Protection Agency is an independent body with the sole responsibility of controlling pollution. In the U.K., publication of all relevant facts would ensure that all interested parties were able to contribute to the decision-making process. This problem has been recognised by recent Governments and one department has been given a co-ordinating role in pollution control. The Department of the Environment (DOE) has been assigned this task and carries out both formal and informal consultations with other depart-
ments. Overall responsibility for pollution control rests with the Secretary of State for the Environment who is advised by a Central Unit comprising administrative and scientific officers. The Unit also has a co-ordinating function advising on issues spanning two or more departments.

Most of the environmental functions of local authorities are supervised by the DOE, including smoke control, solid waste disposal, noise abatement and land use planning. Water authorities are also supervised by the DOE in their water pollution control and water supply activities. Directly under its control are the Alkali and Clean Air Inspectorate (atmospheric emissions) and the Inspectorate authorising the disposal of atomic wastes. The Department is also a highway authority and directly responsible for the control of noise from motor vehicles.

Other Government Departments involved in pollution control are: The Department of Trade, which is responsible for the control of oil pollution from ships at sea and the control of aircraft noise under the Civil Aviation Acts; The Department of Energy, responsible for the control of nuclear installations; The Home Office, responsible for committees which advise on carriage of dangerous goods by road and which is the confirming authority for local authority byelaws on noise; The Department of Health and Social Security which has no executive powers in pollution control but advises all other departments on health hazards arising from pollution.

2. Local Authorities

The pollution control functions of county councils and the smaller district councils may be summarised as follows:

**County Councils**

The County Council is the planning authority for a county area and is responsible for producing planning surveys and a structure plan providing broad outlines for land use. National parks and countryside functions are also carried out mainly by the County Council, which may combine with other councils to form planning boards and national parks committees. For all roads other than trunk roads the counties have responsibility for both highway and traffic func-
District Councils

District Councils prepare local plans for the District area and normally grant permission for changes in land use and development. Public health is also the concern of Districts, which discharge functions under the Public Health Acts, Clean Air Acts and the Control of Pollution Act, 1974. Sewerage may be the responsibility of the District Council carried out on an agency basis for a Water Authority which has ultimate control.

3. Water Authorities

Ten Water Authorities have been created in England and Wales to look after all aspects of the supply, use and disposal of water. Their areas of jurisdiction cover one or more river basins including tidal waters and parts of the sea where U.K. citizens have exclusive fishing rights. Each authority has comprehensive powers of water management covering water conservation, water supply, sewerage and sewage disposal, fishery control, prevention of pollution, land drainage, recreation and the protection of amenity. In practice, the authorities have a virtual monopoly of river pollution control and it is significant to note that they themselves are polluters of rivers when discharging their sewage disposal functions. The constitution of water authorities provides for a chairman and members appointed by the Secretary of State with an equivalent number of persons appointed by local authorities. The size of the authority membership varies with the size of area covered.

Water authorities may be given general directions by the Minister of State for the Environment and the Minister of Agriculture, Fisheries and Food. Liaison is also maintained with local authorities on matters of land use planning affecting water.

4. Statutory Water Undertakers

Water authorities, statutory water companies, joint water boards and joint water committees come under this heading. Most water is supplied in England and Wales by water authorities. However, water companies are commercial
organizations operating under separate Acts of Parliament, closely controlled by statutory provisions and operating under arrangements with water authorities. All statutory water undertakers have some powers of pollution control to protect their supplies.

5. Sea Fisheries Committees

These committees are formed by a county or district council or a combination of several councils and exercise control over fishing in their district. They are not pollution control authorities but may make byelaws to prohibit discharges which may affect fishing.

6. Alkali Districts

There are fifteen districts within the U.K. each with an Inspector and assistant inspectors who exercise control under the Alkali etc. Works Regulation Act, 1966.

7. Independent Advisory Bodies

There are several independent bodies with rights or duties under pollution control legislation. They are as follows:

Clean Air Council
National Water Council
Water Space Amenity Commission
National Radiological Protection Board
Nature Conservancy Council
Royal Commission on Environmental Pollution
Noise Advisory Council
Advisory Committee on Pesticides and other Toxic Chemicals
Standing Technical Committee on Synthetic Detergents
Sports Council
British Waterways Board
Research Councils

Of particular interest are the Royal Commission and the Research Councils. The Terms of Reference of the standing Royal Commission on Environmental Pollu-
tion are “to advise on matters, both national and international concerning pollution of the environment; on the adequacy of research in the field; and on the future possibilities of danger to the environment.” The Commission has, to date, produced seven reports on a variety of environmental pollution problems. Funds for many research projects in the field of environmental pollution are provided by the Research Councils including:

Science Research Council
Social Science Research Council
Medical Research Council
Agricultural Research Council
Natural Environmental Research Council

8. Special Interest Groups

There is a wide variety of voluntary organizations concerned with environmental pollution. Many have political influence but few are active in bringing legal actions on behalf of their members. These organizations include;

Confederation of British Industries
International Tanker Owners Pollution Federation Limited
Oil Companies Institute for Marine Pollution Compensation Limited
Advisory Committee on Oil Pollution of the Sea
National Trust
Council for the Preservation of Rural England
Conservation Society
Royal Society for the Protection of Birds
Anglers Cooperation Association

Some of these organizations represent wealthy trade and industrial interests and some, like the National Trust, are property owning but non-commercial organizations.


It is relatively difficult under English civil law for an individual to take
effective remedial action against a polluter. The ability to sue depends on whether or not a legal right has been transgressed. Under the law of torts, rights are granted to the individual for the protection of person, property and other interests and these rights are protected by civil actions in the courts. Where damage is caused by pollution, a civil action can be brought only if the act or omission leading to the damage constitutes an infringement of someone’s rights. Even then, only the person whose rights have been transgressed can bring the action. Apart from damage to health, the ability to sue depends on ownership of property. For example, a person enjoying amenity use of a river may not sue for pollution of the water unless he is a riparian owner or has rights, such as fishing rights, derived from some riparian owner. If in the above case the power to prosecute is available to the responsible public authority and is not rigorously taken up, it is still difficult for the individual to act. A right of action for breach of statutory duty has not been given for any pollution offence except the contamination of drinking water.

Thus, the individual is very restricted under the present law in his ability to react to pollution. However, when the Control of Pollution Act, 1974 is fully implemented, the ability of the individual to act will be greatly improved. As noted above, the persons able to prosecute form a much smaller group of people than those with genuine but non-legal interests. For example, a conservation society cannot itself bring action but must support action by those with the necessary legal interest. A second consequence of the individual’s restriction is that the polluter may buy the relevant rights to protect himself against civil action. For example, an industrialist might buy surrounding farm land to obtain riparian ownership and fishing rights for the watercourse he is polluting. The land may be leased to the farmer at reduced rental with a provision that no action be taken concerning pollution. This arrangement, although beneficial to both parties, may not necessarily be in the public interest.

Common Law actions available to the individual and relevant to pollution control are as follows;
Trespass—Solid matter released to watercourses or into the atmosphere which settles on the land of another constitutes trespass. A person can sue if the interference is with his own person or with his goods and chattels. He can claim compensation as of right and may obtain an injunction to stop the continuing trespass or to prevent an anticipated trespass.

Negligence—In the field of pollution, a person may be held liable for damage to any person or property of another as a consequence of his careless acts. Only the person suffering injury, damage or loss can sue.

Private Nuisance—Pollution of air, water or soil which causes interference with the use or enjoyment of land may constitute a nuisance. The nuisance must be of such degree that it is unreasonable and a person may only sue under private nuisance if he has legal interest in the land. A guest on the premises has no right of action.

Public Nuisance—It is a criminal offence to cause a public nuisance ‘which obstructs or causes inconvenience or damage to the public in the exercise of rights common to all Her Majesty’s subjects’. Civil action may also be taken by an individual who has suffered particular damage over and above the public at large. An individual may also complain to the Attorney General who, acting on behalf of the general public, may sue for an injunction. However, the individual must bear any costs.

Statutory Nuisance—The 1936 Public Health Act has declared that certain discharges and deposits prejudicial to health are statutory nuisances. The Act provides an inexpensive procedure for suppressing them. An individual may complain to the local authority, which must invoke the procedure if it is satisfied that the nuisance exists.

In proceedings before magistrates* dealing with certain statutory nuisances arising from industrial activities, it is a defence to prove that the best practicable means were used to prevent occurrence of the nuisance. This defence is not

* Lay justices empowered to try petty offences summarily and conduct preliminary examinations of indictable offences.
available if proceedings are taken in the High Court; however, in practice proceedings are rarely taken in the High Court. Thus the Statutory Nuisance remedy is used almost exclusively for minor pollution incidents.

An individual member of the public has a Common Law right to criminal proceedings if a criminal offence has been committed. However, this power has been taken away or been restricted by a number of statutes dealing with pollution offences;

- Alkali etc. Works Regulation Act, 1966
- Rivers Prevention of Pollution Act, 1961
- Water Act, 1945
- Water Resources Act, 1963
- Prevention of Oil Pollution Act, 1971
- Radioactive Substances Act, 1980
- Nuclear Installations Act, 1965

The High Court may compel a public authority to carry out its duty to enforce an Act. This duty invariably is to enforce the Act but not to prosecute in every case. In practice, if the authority can convince the Court that it considers each case on its merits the authority can develop a prosecution policy which may even relax enforcement of the Act.

**IV. National Policies on Pollution Control**

Successive U.K. Governments have left pollution control to those departments most affected by it. There is no consistent policy on objective criteria, the use of quality objectives or pollution standards. Standards are usually determined by the control authority which uses its discretion in referring to criteria and quality objectives.

Protection standards are sometimes determined on the basis of work carried out by Government or public authorities or by independent authorities. In other cases, standards are determined after consultation with industry and/or representatives of interested parties. Controls are also inconsistent, ranging through
absolute prohibition, licensing powers, codes of practice and schemes of voluntary restraint. It is rare that more than one control approach is adopted by a single authority but there is current debate in the field of water pollution which suggests that the present consent system might be replaced by or combined with a scheme for charging for each unit of effluent discharged.

V. Principal Pollution Control Legislation in the United Kingdom

1. General

The following legislation has general application to pollution control in the U.K.

Control of Pollution Act, 1974
Highways Act, 1959
Local Government Act, 1972
London Government Act, 1963
Official Secrets Act, 1911
Powers of Criminal Courts Act, 1973
Public Health Act, 1875
Public Health Act, 1936
Public Health Act. 1961
Royal and Parliamentary Titles Act, 1927
Supply of Goods (Implied Terms) Act, 1973
Town and Country Planning Act, 1971
Trades Descriptions Act, 1968.

2. Air Pollution

Relevant legislation governing the control of air pollution is as follows:

Alkali etc. Works Regulation Act, 1966
Clean Air Act, 1956
Clean Air Act, 1960
Heavy Commercial Vehicles (Controls and Regulations) Act, 1973
Land Compensation Act, 1973
Road Traffic Act, 1960
Road Traffic Act, 1972
Road Traffic Regulation Act, 1967.

Local authorities in England and Wales share the responsibility for air pollution control with the Alkali and Clean Air Inspectorate, an agency of central government. Apart from legislation dealing specifically with radioactive discharges, the statutes are penal in nature and make no compensation provision. Common Law remedies are available but are generally ineffective because of limitation on the range of persons who may sue and the circumstances under which compensation may be claimed.

Control of smoke, grit, dust and fumes which create local nuisance is enforced by local authorities through qualified local environmental health officers backed by government laboratories and other national institutions. The London smog episode of 1952, causing about 4,000 extra deaths in the Greater London area, accelerated action on smoke abatement in Britain and the Clean Air Act was introduced in 1956. By 1955, the whole of the City of London was declared a smoke-control area, commonly called a smokeless zone. Now, almost the whole of Greater London and the majority of other urban areas in the U.K. are subject to smoke control. Since the early 1950’s, domestic smoke emissions have been reduced dramatically to a level of approximately 0.45 Mt per annum from a quantity of about 12.8 Mt per annum of coal burnt. This makes up the vast majority of smoke emitted, because although industry and power stations burn much more coal, their smoke control is much more efficient than in uncontrolled domestic combustion devices.

Responsibility for controlling emissions to the atmosphere from industrial processes creating difficult pollutant problems, as originally scheduled under the Alkali etc. Works Regulation Act, 1966, is in the hands of the Alkali and Clean Air Inspectorate in England and Wales. This Inspectorate has wide powers over the works it controls, but has traditionally adopted a cooperative
attitude towards industry. Remarkable reductions in the emission of a wide range of pollutants have been achieved through a 'best practicable means' approach which takes into account local conditions and circumstances, current state of technical knowledge and financial implications. Not only has the total release of pollution declined, but the quantity of pollutants emitted per unit of production has also been reduced. Many of the technical developments in air cleaning have been made by industry with the encouragement of the Alkali Inspectorate. Where both noxious gases and smoke are discharged from the same premises, the Alkali and Clean Air Inspectorate controls all emission from those premises ensuring that jurisdictions are mutually exclusive.

Control of emissions from new development is through the Town and Country Planning powers vested in local authorities. These powers are administered separately from other forms of control within the local authority. However, planning departments do maintain a close liaison with environmental health departments and the Alkali and Clean Air Inspectorate in relation to atmospheric pollution.

Both local authority inspectors and Alkali Inspectors are subject to what might be considered a major constraint when enforcing control of emissions to the atmosphere. Their powers are merely to ensure that best practicable means are being used. If a discharge is considered to be a statutory nuisance it is a defence to show that best practicable means of preventing the nuisance is being used. Periods of up to ten years have been known to pass, during which time experimentation to find satisfactory best practicable means to comply with the authority’s limitations has taken place. Concurrently, there might have been a fivefold increase in emissions from the process. In practice, if the emission constitutes a danger to public health the Department of Health and Social Security is informed. Consultations take place between medical advisers, inspectors and works owners. Extra legal and publicity pressures usually persuade owners to close the process down.

The 1974 Control of Pollution Act amends the Clean Air Act, 1956 enabling
local authorities to install apparatus for the detection and monitoring of pollution. The Secretary of State must defray the whole of the capital expenditure incurred. Local authorities may also collect detailed emission data which may be kept in a register open to public inspection. In general, the 1974 Act attempts to make data available to the public, not only on air pollution but also on water and other forms of pollution, through the facility of public registers. The Fifth Report of the Royal Commission on Environmental Pollution (1976) recommended the use of air-quality guidelines for major pollutants, which would not be legally enforceable, but which would provide objectives against which air-pollution control achievements could be evaluated.

3. Inland Waters

Legislation on water pollution control includes the following:

- Clean Rivers (Estuaries and Tidal Waters) Act, 1960
- Public Health (Drainage of Trade Premises) Act, 1937
- Rivers (Prevention of Pollution) Act, 1951
- Rivers (Prevention of Pollution) Act, 1961
- Salmon and Freshwater Fisheries Act, 1923
- Water Act, 1945
- Water Act, 1973
- Water Resources Act, 1963
- Water Works Clauses Act, 1847

Common Law in England and Wales provides for compensation to riparian owners who suffer damage from pollution. These provisions have generally been ineffective to prevent pollution of many rivers. The concept of water management has been developed over the last decade whereby all parts of the water cycle controlled by man is placed under a single system of public authorities. Responsibilities for management were reallocated by the 1973 Water Act, under a new structure with Ministerial responsibility over the formulation and execution of water policies.

In the past, water-pollution control in Britain gave priority to improving the
quality of freshwater reaches of our rivers and a series of Royal Commissions in the 19th century was responsible for the development of sewage-treatment technology as the principal means to achieve this objective. By 1974, more than 90 percent of the U.K. population was served by sewage treatment and 85 percent by secondary biological treatment, which is 90~95 percent effective in removing organic matter. Many Prevention of Pollution Acts have been introduced since the original one in 1876 with the intention of bringing about a gradual improvement in river water quality. The most recent, the Control of Pollution Act, 1974 is yet to be fully implemented, but will eventually allow Water Authorities to apply consent conditions for the control and improvement of all effluents discharged to tidal waters as well as freshwaters. This will affect many industries whose wastewater discharges have been free of control through a 'grandfather' clause in previous legislation which applied to pre-1960 trade effluents, discharged to estuaries.

Nine Regional Water Authorities and a Welsh National Water Development Authority have been set up with the following functional responsibilities: water conservation, water supply, sewage disposal, control of pollution, control of fisheries, land drainage, protection of amenity and provision for recreation. A National Water Council advises ministers on matters related to water and a National Water Space Amenity Commission advises the Secretary of State and other public authorities on recreation and amenity.

The traditional statutory control of pollution under the Acts listed at the head of this section made provision for protection of public health, fisheries and general control of discharges to watercourses. These statutes have generally been superseded by the Control of Pollution Act, 1974 and the Salmon and Freshwater Fisheries Act, 1975. Section II of the Control of Pollution Act, 1974, although not yet fully implemented, deals with water pollution and water authorities have already revised their practices in anticipation of the impending change. The Act defines in detail that it is an offence to cause or knowingly permit:

a) any poisonous or noxious or polluting matter to enter any relevant waters,
b) any matter to enter a stream so as to tend, directly or in combination with other matter to impede the proper flow of the water so as to lead or likely lead to a substantial aggravation of pollution.

c) any solid matter to enter any stream or restricted waters.

It is provided, however, that no offence shall be committed if the discharge is in accordance with a water authority consent. Applications for consent may have a greater range of conditions attached under the 1974 Act than under previous legislation and members of the public will have a right to object, which in effect means the right of appeal against the grant of consent. Provision is also made in the Act to control accidental pollution with water authorities empowered to recover costs from offending individuals.

Under the 1974 Act the public has the right to information about applications for consents and existing discharge concentrations. The public also has the right to bring private prosecutions for an illegal discharge. Thus the water authorities themselves may be liable to prosecution if their own wastewater treatment works fail to comply with consent conditions previously issued and recorded. For example, if the authorities operate a 95 percentile effluent quality policy, then on the occasions within the 5 percent range others could intervene when the water authority takes no action. The National Water Council has already expressed hope that the public would not intervene under these circumstances.

4. Disposal of Wastes on Land

In general, powers of control lie with local authorities acting through their public health inspectorates. Control has been exercised piecemeal under the provisions of a number of statutes:

- Civic Amenities Act, 1967
- Dangerous Litter Act, 1971
- Deposit of Poisonous Waste Act, 1972

At present, Part I of the Control of Pollution Act, 1974 is being progressively brought into force and this will provide a coordinated mechanism for control.
The use of land for waste tips previously controlled solely by the Town and Country Planning Act, 1971 will now be under the direct control of the 1974 Act which requires all such sites to be licensed. Each County Council has a duty under the new Act to prepare a waste disposal plan for its area to provide for the disposal of controlled waste, i.e. household, industrial and commercial waste. It is an offence under the 1974 Act to dispose of controlled waste on land which is not the subject of a licence. Higher penalties are imposed if the waste is poisonous, noxious or polluting. Licences may be issued by the controlling authority only if valid planning permission is in force in respect of the site. The disposal authority, before granting a licence, must consult the Water Authority, the Health and Safety Executive and, in some cases, the Institute of Geological Sciences. Certain conditions may be placed on the licence, limiting the type and quantity of material to be dumped and also the activities which may be carried out on the site. These conditions may also include provision for the restoration of land after tipping has ceased.

There are no restrictions on the rights of individuals to bring private prosecutions under the 1974 Act if a tip is being so badly managed that material is blown onto neighbouring land. However, if the tipping is made in the course of trade or business, it is a defence to show that best practicable means were used to prevent the occurrence of a nuisance.

5. Noise and Vibration

The 1974 Control of Pollution Act provides all controls over noise other than noise from mobile sources. Part III of the Act deals with what may be broadly called neighbourhood noise, which in general is controlled by District Councils. Provisions in the Act cover statutory procedures for noise nuisance, noise from construction sites, general plant and machinery noise and there are also new powers to create and regulate noise abatement zones. The main intention of creating such zones is to prevent a creeping increase in noise levels. Standards adopted are subjective in the sense that noise has been defined as 'unwanted sound' and the word 'unwanted' introduces an entirely subjective criterion.
However, noise limits are not entirely subjective when a nuisance causes a particular complaint. Here, the standard adopted is that of a reasonable man, taking into account the circumstances of the time and place.

Noise from mobile sources is controlled by a variety of Acts including:

- Airports Authority Act, 1965
- Civil Aviation Act, 1949
- Civil Aviation Act, 1968
- Civil Aviation Act, 1971
- Heavy Commercial Vehicles (Controls and Regulations) Act, 1973
- Hovercraft Act, 1968
- Road Traffic Act, 1960
- Road Traffic Act, 1972
- Road Traffic Regulation Act, 1967

One of the most effective ways of reducing noise nuisance from mobile sources is through the use of planning powers. The Land Compensation Act, 1973 encourages better planning of public works, such as highways and aerodromes, by providing that compensation must be paid in the event of land values falling because of noise and vibration. Planners, to a large extent, control noise nuisance by segregating noise creating developments from noise sensitive developments. The local planning authority is required by the Town and Country Planning Act, 1971 to include in its structure plan “measures for the improvement of the physical environment.” Noise may not be expressly mentioned in the local authorities statement of policy concerning environmental improvement, however it is particularly taken into account in the siting of airports, heavy industry and main highways.

Noise controls on design and construction of vehicles are found in the Motor Vehicles (Construction and Use) Regulations, 1973, which are supplemented by various EEC Regulations related to sound levels and exhaust systems. Aircraft noise is governed by the Air Navigation (Noise Certification) Order, 1970. As new aircraft types are introduced, these regulations will have in-
creasing effect. At present only a small fraction of aircraft in use are covered by these certificates.

Noise and vibration created by the use of aircraft are controlled by the Civil Aviation Acts, 1949 and 1971 or regulations made under these Acts. In addition, controls are imposed by owners of aerodromes and by directions to pilots. An individual member of the public is expressly prevented by the 1949 Act from taking action against aircraft noise, but the Secretary of State has power under the Act to prescribe conditions under which noise may be made on Government and licensed aerodromes.

Under Common Law the individual has no rights to protect himself against noise nuisance resulting from aircraft in normal use. In general, however, private nuisance proceedings may be taken against those responsible for other types of noise emissions. Damages may be claimed as of right and an injunction may be obtained to restrain the continuance of the nuisance. In awarding damages, the existing character of the district is taken into account when assessing what is unreasonable interference in the enjoyment of property. This has led, in many areas, to gradual deterioration of the environment and is one reason why provisions have been made in the 1974 Control of Pollution Act for the introduction of Noise Abatement Zones.

6. Disposal of Radioactive Substances

The nature of radioactive material is such that control on its use is exercised exclusively by three Government departments. The Department of Industry supervises and controls all nuclear installations through a licensing system and the Department of the Environment, often acting jointly with the Ministry of Agriculture, Fisheries and Food, controls the use, storage and disposal of radioactive substances. Advice on radiological protection is given by an independent statutory body, the National Radiological Protection Board, which also assists in monitoring emissions in conjunction with the Medical and Agricultural Research councils. The main statutory Acts dealing with nuclear substances and installations are:
Radioactive Substances Act, 1948
Radioactive Substances Act, 1960
Radiological Protection Act, 1970
Electricity Act, 1957

Effective control is currently exercised under the 1960 Act through a registration and authorization procedure governing storage and use. Authorization is required from the Secretary of State for subsequent disposal on or from the premises in which the radioactive waste is kept.

7. Products

Legislation controlling potential pollution from the use of products is very limited and control is generally provided by voluntary constraint. For example, pesticides, synthetic detergents and petrol are all subject to voluntary restraints on their distribution and use. The small amount of legislation available is limited to labelling, measures for protection of employees working with pesticides and to the operation of aircraft using agricultural sprays.

There are, however, numerous sets of regulations dealing with the transport of products. Their purpose is to reduce the risks of injury to persons and damage to other goods resulting from accidental spillage during transit. They have the added effect of reducing the general risk of environmental pollution.

VI. CONCLUSIONS

The Fifth Report of the Royal Commission on Environmental Pollution (1976) recommended an integrated approach to air, water and waste management in England and Wales. Although the setting up of a unified pollution inspectorate (H.M.P.I.) was also recommended, it was assumed that power would only be exercised in air-pollution control. An advisory coordinating role was suggested for water pollution control and waste disposal, working in close collaboration with Water and Waste-Disposal Authorities. These recommendations seem to present a reasonable compromise for the near future, but there is also a need
for greater collaboration among the different agencies responsible for environmental-quality control. In the long term, a single unified authority is desirable but the administrative problems involved in achieving this will not be insignificant.

The policy of consultation and negotiation is likely to continue in the control of environmental pollution in the U.K., although there are pressures being exerted by the EEC to adopt a more general regulatory approach. At present, the law provides an ultimate safeguard against abuse of environmental resources but is only used in those few cases where the normal mechanisms have failed. In a responsible society, the adoption of reasonable administrative approaches to pollution control will encourage polluters to collaborate with the authorities in achieving acceptable levels of environmental quality without recourse to enforcement legislation.