

---

## STATUTORY INSTRUMENTS

---

# 1973 No. 70

## Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED)

### PART V

#### TRADE EFFLUENTS

##### Right to discharge into sewers and sewage treatment works

**20**<sup>F1</sup>.—(1) Subject to this Order, the occupier of any trade premises may discharge into the sewers or sewage treatment works of the Ministry any trade effluent from those premises.

(2) Any occupier of trade premises who discharges trade effluent into the sewers or sewage treatment works of the Ministry without the consent of the Ministry, where such consent is required, or contrary to any direction given or condition imposed by virtue of this Part, shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (2) shall be liable—

(a) on conviction on indictment, to a fine;

(b) on summary conviction, to a fine not exceeding<sup>F2</sup> level 5 on the standard scale];

but if it is shown to the satisfaction of the court by or before which the person is convicted 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 Order or otherwise), he shall be liable—

(i) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;

(ii) on summary conviction, to the greater of a fine not exceeding<sup>F2</sup> level 5 on the standard scale] or a fine not exceeding £40 for each day on which the offence was so repeated or continued.

**F1** functions transf. by SR 1999/481

**F2** 1984 NI 3

#### CONTROL OF NEW DISCHARGES

##### Meaning of new discharge

**21**<sup>F3</sup>. In this Part new discharge means a discharge from trade premises into the sewers or sewage treatment works of the Ministry of trade effluent where the discharge—

(a) has not previously been lawfully made into such sewers or works or the sewers or works of a local authority;

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), PART V. (See end of Document for details)*

- (b) not being an existing discharge by virtue of Article 28 and whether commenced before or after 1st October 1973, has become substantially altered in nature or composition or whose temperature, volume or rate of discharge has been substantially increased since 1st October 1973; or
- (c) has been discontinued for a period of two years or more, the whole or part of which period occurs after 1st October 1973, and is thereafter resumed.

**F3** functions transf. by SR 1999/481

### Consent required to new discharges

**22**<sup>F4</sup>. Subject to Article 32, an occupier or prospective occupier of trade premises who proposes to make a new discharge of trade effluent from those premises into the sewers or sewage treatment works of the Ministry shall obtain the consent of the Ministry to the discharge, which shall be applied for in accordance with Article 23.

**F4** functions transf. by SR 1999/481

### Procedure on application for consent to new discharge

**23**<sup>F5</sup>.—(1) An application for the consent of the Ministry under Article 22 shall be made by serving a notice on the Ministry (in this Part referred to as a trade effluent notice).

(2) A trade effluent notice shall state so far as is reasonably practicable—

- (a) the nature, composition and temperature of the effluent;
- (b) the maximum quantity of the effluent which it is proposed to discharge on any one day;
- (c) the maximum hourly rate at which it is proposed to discharge the effluent.

(3) Where the person applying for the consent of the Ministry is not the owner of the premises, he shall, at the same time as serving a trade effluent notice on the Ministry under paragraph (1), send a copy of the notice to the owner of the premises and inform him that he may make representations in respect of the application to the Ministry within twenty-eight days of receipt of the copy.

(4) The Ministry before making a decision on an application shall take into account any representations made in pursuance of paragraph (3).

**F5** functions transf. by SR 1999/481

### Decision on application

**24**<sup>F6</sup>.—(1) The Ministry in its decision on an application under Article 22 shall, within three months from the date on which it receives that application, refuse its consent or grant its consent either unconditionally or subject to such conditions (including conditions as to charges) as it thinks fit to impose.

(2) A consent granted under this Article, and (where such consent is granted subject to any conditions) all or any of the conditions, may be made to take effect as from a specified date or for a specified period, or both as from a specified date and for a specified period.

(3) Any decision of the Ministry under this Article shall continue to be effective notwithstanding that there has been a change of ownership or occupancy of the premises to which the decision relates.

F6 functions transf. by SR 1999/481

### Intimation of decision

25<sup>F7</sup>.—(1) The Ministry shall intimate its decision under Article 24, and the reasons therefor, to the owner and occupier or prospective occupier of the trade premises in question.

(2) An intimation of a decision under this Article shall—

- (a) draw attention to the effect of Article 24(3);
- (b) refer to the applicant's right of appeal against, and the power of review of, the decision under this Part.

F7 functions transf. by SR 1999/481

### Appeals

26<sup>F8</sup>. Where an applicant for consent under Article 22 is aggrieved by the decision of the Ministry under Article 24, he may<sup>F9</sup>, except in so far as the decision relates to charges,] appeal to the Appeals Commission within twenty-eight days from the date on which he receives an intimation of the decision.

F8 functions transf. by SR 1999/481

F9 1993 NI 16

### Information relating to new discharges of trade effluents

26A<sup>F10</sup>.—(1) The Department may require the owner or occupier of premises from which a new discharge is being made to furnish in writing such information to the Department concerning the discharge as an applicant for consent to such a discharge is required to furnish in a trade effluent notice under Article 23(2).

(2) Any person who, having been required by the Department to furnish information to it under this Article, fails to furnish that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

F10 functions transf. by SR 1999/481

### Review of consents etc.

27<sup>F11</sup>.—(1) The Ministry may review a decision made by it under Article 24 at intervals of not less than two years from the giving of the decision or the last review of the decision or at any time on the application of the person making the discharge in question.

(2) Before reviewing a decision under this Article the Ministry shall intimate to the owner and occupier of the premises in question that it proposes to do so, and its reason therefor, and inform them that they may, within twenty-eight days of that intimation, make representations to the Ministry in respect of the proposal.

(3) Before reviewing a decision under this Article, the Ministry shall take into account any representations made to it under paragraph (2).

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), PART V. (See end of Document for details)*

(4) Where a decision is reviewed under this Article, the occupier of the premises to which it relates may<sup>F12</sup> except in so far as the decision reviewed relates to charges,] appeal to the Appeals Commission against the review within twenty-eight days from the date of the review.

(5) A review under this Article shall take effect from a date specified therein but not earlier than three months after the date of the review.

**F11** functions transf. by SR 1999/481

**F12** 1993 NI 16

## CONTROL OF EXISTING DISCHARGES

### Meaning of existing discharge

**28**<sup>F13</sup>.—(1) In this Part, existing discharge means a discharge of trade effluent from trade premises into the sewers or sewage treatment works of a local authority which was lawfully made within the period of two years ending on 1st October 1973.

(2) Where before 1st October 1973 a local authority and the person making the discharge have agreed that after that date the nature or composition of the discharge may be altered or the temperature, volume or rate of discharge may be increased, any discharge made in accordance with such agreement shall be treated for the purposes of this Part as an existing discharge.

(3) Any dispute between the Ministry and the person making the discharge as to whether the discharge is an existing discharge shall be determined by the county court whose decision in the matter shall be final, except on a point of law.

**F13** functions transf. by SR 1999/481

### Right to continue existing discharge

**29**<sup>F14</sup>. Subject to this Part, and except where the Ministry and the person making the discharge otherwise agree, an existing discharge shall be allowed to continue.

**F14** functions transf. by SR 1999/481

### Information relating to existing discharges

**30**<sup>F15</sup>.—<sup>F16</sup>(1) <sup>F16</sup>[The Department may require the owner or occupier of premises from which an existing discharge is being made to furnish in writing] such information to the Ministry concerning the discharge as an applicant for consent to a new discharge is required to furnish in a trade effluent notice under Article 23(2), and information concerning the period for which the discharge has continued.

<sup>F16</sup>(2) Any person who, having been required by the Department to furnish information to it under this Article, fails to furnish that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.]

**F15** functions transf. by SR 1999/481

**F16** 1993 NI 16

## Review of existing discharges

**31**<sup>F17</sup>.—(1) The Ministry may, and when requested by the person making the discharge shall, review the making of an existing discharge and may direct that any continuation of the discharge shall be either unconditional or subject to such conditions (including conditions as to charges) as it may think fit to impose.

(2) The Ministry may review a direction under paragraph (1) at intervals of not less than two years from the direction or last review of the direction or at any time on the application of the person making the discharge in question.

(3) Before a direction is made under paragraph (1) or is reviewed under paragraph (2), the Ministry shall intimate to the person making the discharge in question that it proposes to do so, and its reasons therefor, and inform him that he may, within twenty-eight days of that intimation, make representations to the Ministry in respect of the proposal.

(4) Before a direction is made under paragraph (1) or is reviewed under paragraph (2), the Ministry shall take into account any representations made to it under paragraph (3).

(5) Where a direction is made under paragraph (1) or is reviewed under paragraph (2), the person making the discharge may<sup>F18</sup>, except in so far as the direction or review relates to charges,] appeal to the Appeals Commission against that direction or review, within twenty-eight days from the date of that direction or review.

(6) A direction made under paragraph (1) or reviewed under paragraph (2) shall take effect from a date specified therein but not earlier than three months after the date of that direction or review as the case may be.

**F17** functions transf. by SR 1999/481

**F18** 1993 NI 16

## AGREEMENTS IN LIEU OF APPLICATIONS FOR CONSENT

### Agreements as respects trade premises

**32**<sup>F19</sup>.—(1) The Ministry may enter into an agreement with the owner or occupier of any trade premises for the reception, treatment or disposal by the Ministry of any trade effluent produced on those premises.

(2) The reference in paragraph (1) to an agreement includes a reference to an agreement varying or renewing an existing agreement, whether that existing agreement was entered into before or after 1st October 1973.

(3) Where the Ministry proposes to enter into an agreement under this Article with an occupier who is not also the owner of trade premises, the Ministry shall intimate the proposal to the owner who may, within twenty-eight days of receipt of the intimation, make representations in respect of the proposal.

(4) Before the Ministry and such an occupier as is mentioned in paragraph (3) enter into an agreement under this Article, the Ministry shall take into account any representations made by the owner of the premises in question in pursuance of that paragraph.

(5) A discharge of trade effluent which is made in accordance with an agreement under this Article—

(a) shall not otherwise require the consent of the Ministry; and

(b) shall not be reviewed by the direction of the Ministry;

and accordingly Articles 22 to 27 and Article 31 shall not apply to such a discharge.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), PART V. (See end of Document for details)*

(6) If the parties to an agreement under this Article have failed to renew the agreement, with or without variation, on or before the date of its expiry, the Ministry may, and if requested by the person making the discharge shall, review the making of the discharge by direction; and Article 27(2) to (5) shall, with any necessary modifications, apply to a direction under this paragraph.

(7) Until a direction has been made under paragraph (6) in respect of an agreement, a discharge may continue to be made in accordance with the agreement.

(8) Any reference in this Article to an occupier includes a reference to a prospective occupier.

**F19** functions transf. by SR 1999/481

### *SUPPLEMENTARY*

#### **Power to extend Part V to other effluents**

**33**<sup>F20</sup>. The Ministry may, by order made subject to affirmative resolution, provide that this Part shall apply in relation to liquid or other matter of any description specified in the order which is discharged from any premises into the sewers or sewage treatment works of the Ministry as it applies in relation to trade effluent, but subject to such modifications, if any, as may be specified in the order, and in particular subject to any modification of the definition of trade premises in this Order which may be so specified.

**F20** functions transf. by SR 1999/481

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), PART V.