
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services (Northern Ireland) Order 2006

PART VI

SEWERAGE SERVICES

CHAPTER III

TRADE EFFLUENT

Consents on an application

Review by DOE of consents relating to special category effluent

185.—(1) Where the occupier of any trade premises is (whether or not in accordance with a notice under Article 190) for the time being authorised by virtue of a consent under this Chapter to make discharges of any special category effluent from those premises into a sewerage undertaker's public sewer, DOE may review the questions—

- (a) whether the discharges authorised by the consent should be prohibited; and
 - (b) whether, if they are not prohibited, any requirements should be imposed as to the conditions on which they are made.
- (2) Subject to paragraph (3), DOE shall not review any question under this Article unless—
- (a) the consent or variation by virtue of which the discharges in question are made has not previously been the subject-matter of a review and was given or made—
 - (i) before the transfer date; or
 - (ii) in contravention of Article 191;
 - (b) a period of more than two years has elapsed since the time, or last time, when notice of DOE's determination on any reference or review relating to that consent or the consent to which that variation relates was served under Article 190 on the occupier of the trade premises in question; or
 - (c) there has, since the time, or last time, when such a notice was so served, been a contravention of any provision which was included in compliance with a requirement of a notice under Article 190 in the consent or variation by virtue of which the discharges in question are made.
- (3) Paragraph (2) shall not apply if the review is carried out—
- (a) for the purpose of [^{F1}giving effect to any [^{F2}assimilated] obligation or enabling Her Majesty's Government in the United Kingdom to give effect] to any international agreement to which the United Kingdom is for the time being a party; or
 - (b) for the protection of public health or of flora and fauna dependent on an aquatic environment.

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, Section 185 is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F1** Words in [art. 185\(3\)\(a\)](#) substituted (31.12.2020) by [The Water and Floods \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/32\)](#), regs. 1(1), [2\(4\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in [art. 185\(3\)\(a\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 64\(4\)](#)

Commencement Information

- I1** Art. 185 wholly in operation at 1.4.2007, see art. 1(2) and [S.R. 2007/194](#), [art. 2\(2\)](#), Sch. 1 Pt. II (subject to [art. 3](#), [Sch. 2](#))

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 293(10A) inserted by [2015 c. 8 \(N.I.\) Sch. 3 para. 2\(b\)](#)