

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: *Water Act 2003, Cross Heading: Trade effluent consents is up to date with all changes known to be in force on or before 10 August 2023. 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*



Water Act 2003

2003 CHAPTER 37

PART 3

MISCELLANEOUS

PROSPECTIVE

Trade effluent consents

88 Trade effluent consents

- (1) For section 139 of the WIA (power to apply Chapter 3 of Part 4 of the WIA to other effluents) there is substituted—

“139 Power to apply Chapter 3 to specified activities

- (1) The Secretary of State may by order provide, in relation to discharge into public sewers—
- (a) that a liquid or other matter of a description specified in the order shall be treated as if it were trade effluent for the purposes of this Chapter; or
 - (b) that—
 - (i) the discharge restrictions shall not apply to a liquid or other matter of a description specified in the order; and
 - (ii) (in the case of a liquid) the liquid shall be deemed not to be trade effluent for the purposes of this Chapter.
- (2) An order under subsection (1) above may so provide whether or not the liquid or other matter specified would otherwise have fallen within (or, as the case may be, outside) a proper construction of “trade effluent” as defined in section 141(1) below.

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- (3) An order under subsection (1) above may so provide, in relation to the liquid or other matter specified, either generally or in particular cases or classes of case or for particular purposes or as otherwise specified in the order.
 - (4) In this section, references to the discharge restrictions are references to—
 - (a) the restrictions imposed by paragraphs (a) and (b) of section 106(2) above; and
 - (b) the restrictions imposed by section 111 above so far as it relates to anything falling within paragraph (a) or (b) of subsection (1) of that section.
 - (5) Where any provisions of this Chapter are to apply to a liquid or other matter by virtue of an order under subsection (1)(a) above, the order may provide for them so to apply subject to such modifications as may be specified in the order and, in particular, subject to any such modification of the meaning for the purposes of this Chapter of the expression “trade premises” as may be so specified.
 - (6) The Secretary of State may include in an order under subsection (1) above such provisions as appear to him expedient for modifying any enactment as that enactment applies in relation to the discharge into sewers of any liquid or other matter specified in the order.
 - (7) Where the discharge restrictions do not apply to a liquid by virtue of an order under subsection (1)(b) above, subsections (3) to (8) of section 106 above and sections 108 and 109 above shall have effect in relation to communication with a sewer for the purpose of making any discharge of that liquid as they apply in relation to any other discharges which are authorised by subsection (1) of section 106 above.
 - (8) The Secretary of State may include in an order under this section such other supplemental, incidental or transitional provision as appears to him to be expedient.
 - (9) The power to make an order under this section shall be exercisable by statutory instrument, but such an instrument shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
 - (10) In this section, references to a liquid are to a liquid either with or without particles of matter in suspension in the liquid.”
- (2) In section 94 of the WIA (general duty to provide sewerage system), in subsection (5), at the end there is added “; and, accordingly, section 139 below shall have effect for the purposes of this section as it has effect for the purposes of Chapter 3 of this Part.”.
 - (3) In section 138 of the WIA (meaning of “special category effluent”), subsection (5) is omitted.
 - (4) In section 141 of the WIA (interpretation of Chapter 3), in subsection (1), after “requires” there is inserted “ and subject to section 139 above ”.
 - (5) In section 171 of the WIA (entry for sewerage purposes), in subsection (3), after “trade effluent” there is inserted “ or any other liquid or substance ”.

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89 Trade effluent consents: conditions of consent

- (1) In section 119 of the WIA (application for consent)—
- (a) after paragraph (a) of subsection (2) there is inserted—
 - “(ab) the steps proposed to be taken, in relation to the discharge or by way of subjecting any substance likely to affect the description of matter discharged to treatment or any other process, for minimising—
 - (i) the polluting effects of the discharge on any controlled waters; and
 - (ii) the impact of the discharge on sewerage services;”
 - (b) after subsection (2) there is inserted—
 - “(3) In this section “controlled waters” has the meaning given by section 104 of the Water Resources Act 1991.”
- (2) In section 121 of the WIA (conditions of consent)—
- (a) after paragraph (b) of subsection (1) there is inserted—
 - “(ba) the steps to be taken, in relation to the discharge or by way of subjecting any substance likely to affect the description of the matter discharged to treatment or any other process, for minimising—
 - (i) the polluting effects of the discharge on any controlled waters; and
 - (ii) the impact of the discharge on sewerage services;”
 - (b) in subsection (6), at the end there is inserted “ and “controlled waters” has the meaning given by section 104 of the Water Resources Act 1991 ”.

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

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

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)