

SCHEDULE 2

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART III

TRADE EFFLUENT

New discharges

14.—(1) Any consent which is effective under Article 22 of the 1973 Order immediately before the transfer date in respect of any trade premises shall have effect on and after that date as if given by the sewerage undertaker to the occupier of the trade premises under Chapter III of Part VI of the 2006 Order and shall, subject to paragraph 19, be subject to the same conditions as to charges or otherwise as those to which it was subject immediately before the transfer date.

(2) In the application of Article 182 of the 2006 Order to any consent which has effect in accordance with sub-paragraph (1) (referred to in this paragraph as a “new consent”)—

(a) the reference in paragraph (2) of that Article to the date of the consent shall be taken as a reference to the date on which the consent was granted under Article 22 of the 1973 Order; and

(b) the reference in that paragraph to a previous direction given under Article 182 of the 2006 Order shall be taken to include a review under Article 27 of the 1973 Order.

(3) Where any appeal has been made to the Appeals Commission in accordance with Article 27(4) of the 1973 Order and has not been determined before the transfer date, it shall be determined by the Authority on or after that date in accordance with sub-paragraph (4).

(4) Any appeal to the Authority under sub-paragraph (3) shall be determined by the Authority under Article 180 of the 2006 Order as if—

(a) the appeal were made under sub-paragraph (c) of paragraph (1) that Article against any condition attached by the sewerage undertaker to a consent on an application for a consent; and

(b) in the application of Article 181 of the 2006 Order to that appeal—

(i) paragraph (1) of that Article were omitted; and

(ii) sub-paragraph (a) of paragraph (2) of that Article were taken to include a case in which the sewerage undertaker in question would have been required to make a reference under Article 178 of the 2006 Order had the discharge in question been the subject of a notice under Article 176 of that Order.

(5) In relation to a new consent, the reference in Article 185(2) of the 2006 Order to a review shall be taken not to include any review conducted before the transfer date by the Department (or any predecessors).