

SCHEDULES

SCHEDULE 1

DISCHARGE CONSENTS

Transfer of consents

8.—(1) A discharge consent given under paragraph 2 or 4 may be transferred by the holder to a person who proposes to carry on the discharges in place of the holder.

(2) On the death of the holder of a discharge consent given under paragraph 2 or 4, the consent shall ^{F1}. . . be regarded as property forming part of the deceased's personal estate, whether or not it would be so regarded apart from this sub-paragraph, and shall accordingly vest in his personal representatives.

(3) If a bankruptcy order is made against the holder of a discharge consent given under paragraph 2 or 4, the consent shall ^{F1}. . . be regarded for the purposes of any of Parts VIII to X of the Insolvency (Northern Ireland) Order 1989 (insolvency of individuals; bankruptcy) as property forming part of the bankrupt's estate, whether or not it would be so regarded apart from this sub-paragraph, and shall accordingly vest as such in the trustee in bankruptcy.

(4) ^{F2}.

(5) A discharge consent given under paragraph 2 or 4 which is transferred to, or which vests in, a person under this paragraph shall have effect on and after the date of the transfer or vesting as if it had been granted to that person under paragraph 2 or 4, subject to the same conditions as were attached to it immediately before that date.

^{F3}(6) Where a discharge consent given under paragraph 2 or 4 is to be transferred under sub-paragraph (1)—

- (a) the person from whom and the person to whom the consent is to be transferred shall give joint notice to the Department of the proposed transfer;
- (b) the notice may specify the date on which it is proposed that the transfer should take effect;
- (c) within 21 days beginning with the date of receipt of the notice duly given in accordance with head (a), the Department shall—
 - (i) arrange to amend the consent by substituting the name of the transferee as holder of the consent; and
 - (ii) serve notice on the transferor and the transferee that the amendment has been made; and
- (d) the transfer shall take effect from the later of—
 - (i) the date on which the Department amends the consent; and
 - (ii) the date (if any) specified in the joint notice under paragraph (a).

(6A) A joint notice under sub-paragraph (6)(a) shall include such information as may be prescribed.

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, Cross Heading: Transfer of consents. (See end of Document for details)

(6B) If the person from whom the consent is to be transferred is a person in whom the consent has vested by virtue of sub-paragraph (2) or (3), a joint notice given under sub-paragraph (6)(a) shall be of no effect unless the notice required by sub-paragraph (7) has been given.

(6C) A notice or other instrument given by or on behalf of the Department pursuant to sub-paragraph (6) shall not constitute an instrument signifying the consent of the Department for the purposes of paragraph 6.]

(7) Where a discharge consent given under paragraph 2 or 4 vests in any person as mentioned in sub-paragraph (2) or (3), that person shall give notice of that fact to the Department not later than the end of the period of 15 months beginning with the date of the vesting.

(8) If—

- (a) a discharge consent given under paragraph 2 or 4 vests in any person as mentioned in sub-paragraph (2) or (3), but
- (b) that person fails to give the notice required by sub-paragraph (7) within the period there mentioned,

the consent, to the extent that it permits the making of any discharges, shall cease to have effect.

(9) A person who fails to give a notice which he is required by sub-paragraph ^{F4}. . . (7) to give shall be guilty of an offence and liable—

- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years, or to both;
- (b) on summary conviction, to a fine not exceeding the statutory maximum.

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| <p>F1 Words in Sch. 1 para. 8(2)(3) repealed (1.1.2007 for certain purposes, otherwise 1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21), arts. 1(2)(3)(e), 290(5)(a), 308(2), Sch. 13 (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. 1 Pt. II (with art. 3, Sch. 2)</p> <p>F2 Sch. 1 para. 8(4) repealed (1.1.2007 for certain purposes, otherwise 1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21), arts. 1(2)(3)(e), 290(5)(b), 308(2), Sch. 13 (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. 1 Pt. II (with art. 3, Sch. 2)</p> <p>F3 Sch. 1 para. 8(6)-(6C) substituted (1.1.2007 for certain purposes, otherwise 1.4.2007) for Sch. 1 para. 8(6) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21), arts. 1(2)(3)(e), 290(6) (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. 1 Pt. II (with art. 3, Sch. 2)</p> <p>F4 Words in Sch. 1 para. 8(9) repealed (1.1.2007 for certain purposes, otherwise 1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21), arts. 1(2)(3)(e), 290(7), 308(2), Sch. 13 (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. 1 Pt. II (with art. 3, Sch. 2)</p> | |
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Modifications etc. (not altering text)

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| <p>C1 Sch. 1 para. 8 applied (with modifications) (10.8.2009) by Groundwater Regulations (Northern Ireland) 2009 (S.R. 2009/254), reg. 21 (with reg. 5)</p> | |
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Status:

Point in time view as at 01/01/2007.

Changes to legislation:

There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, Cross Heading: Transfer of consents.