



Water Industry Act 1991

1991 CHAPTER 56

PART IV

SEWERAGE SERVICES

CHAPTER III

TRADE EFFLUENT

Consents on an application

120 Applications for the discharge of special category effluent.

- (1) Subject to subsection (3) below, where a notice containing an application under section 119 above is served on a sewerage undertaker with respect to discharges of any special category effluent, it shall be the duty of the undertaker to refer to [^{F1}the Environment Agency] the questions—
 - (a) whether the discharges to which the notice relates 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 subsection (3) below, a reference which is required to be made by a sewerage undertaker by virtue of subsection (1) above shall be made before the end of the period of two months beginning with the day after the notice containing the application is served on the undertaker.
- (3) There shall be no obligation on a sewerage undertaker to make a reference under this section in respect of any application if, before the end of the period mentioned in subsection (2) above, there is a refusal by the undertaker to give any consent on the application.
- (4) It shall be the duty of a sewerage undertaker where it has made a reference under this section not to give any consent, or enter into any agreement, with respect to

Status: Point in time view as at 11/01/1999. This version of this provision has been superseded.

Changes to legislation: Water Industry Act 1991, Section 120 is up to date with all changes known to be in force on or before 20 August 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)

the discharges to which the reference relates at any time before [^{F2}the Environment Agency] serves notice on the undertaker of his determination on the reference.

- (5) Every reference under this section shall be made in writing and shall be accompanied by a copy of the notice containing the application in respect of which it is made.
- (6) It shall be the duty of a sewerage undertaker, on making a reference under this section, to serve a copy of the reference on the owner or the occupier of the trade premises in question, according to whether the discharges to which the reference relates are to be by the owner or by the occupier.
- [^{F3}(9) If a sewerage undertaker fails, within the period provided by subsection (2) above, to refer to the Environment Agency any question which he is required by subsection (1) above to refer to the Agency, the undertaker shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (10) If the Environment Agency becomes aware of any such failure as is mentioned in subsection (9) above, the Agency may—
- (a) if a consent under this Chapter to make discharges of any special category effluent has been granted on the application in question, exercise its powers of review under section 127 or 131 below, notwithstanding anything in subsection (2) of the section in question; or
 - (b) in any other case, proceed as if the reference required by this section had been made.]

Textual Amendments

- F1** Words in s. 120(1) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 105(1)(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in s. 120(4) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 105(1)(3)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F3** S. 120(9)(10) substituted (1.4.1996) for s. 120(7)(8) by 1995 c. 25, s. 120(1), **Sch. 22 para. 105(1)(4)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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