



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART IV

#### SEWERAGE SERVICES

#### CHAPTER III

#### TRADE EFFLUENT

#### *Consents on an application*

#### **123 Appeals with respect to the discharge of special category effluent.**

- (1) Where a reference is made to [<sup>F1</sup>the [<sup>F2</sup>appropriate agency]] under section 120 above, the period mentioned in paragraph (b) of subsection (1) of section 122 above shall not begin to run for the purposes of that subsection, in relation to the application to which the reference relates, until the beginning of the day after [<sup>F1</sup>the [<sup>F2</sup>appropriate agency]] serves notice on the sewerage undertaker in question of his determination on the reference.
- (2) If, on an appeal under section 122 above, it appears to the Director—
  - (a) that the case is one in which the sewerage undertaker in question is required to make a reference under section 120 above before giving a consent; and
  - (b) that the undertaker has not made such a reference, whether because the case falls within subsection (3) of that section or otherwise,the Director shall not be entitled to determine the appeal, otherwise than by upholding a refusal, except where the conditions set out in subsection (3) below are satisfied.
- (3) The conditions mentioned in subsection (2) above are satisfied if the Director—
  - (a) has himself referred the questions mentioned in section 120(1) above to [<sup>F1</sup>the [<sup>F2</sup>appropriate agency]]; and

*Status: Point in time view as at 11/03/2015.*

*Changes to legislation: Water Industry Act 1991, Section 123 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)*

- (b) has been sent a copy of the notice of [<sup>F1</sup>the [<sup>F3</sup>appropriate agency's]] determination on the reference.
- (4) 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 the appeal and reference is made.
- (5) It shall be the duty of the Director, on making a reference under this section, to serve a copy of the reference—
- (a) 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; and
  - (b) on the sewerage undertaker in question.

#### Textual Amendments

- F1** Words in s. 123(1)(3)(a)(b) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 106** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in s. 123 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 240(2)** (with Sch. 7)
- F3** Words in s. 123(3)(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 240(3)** (with Sch. 7)

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