



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 the Secretary of State 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 the Secretary of State 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 the Secretary of State; and
 - (b) has been sent a copy of the notice of the Secretary of State's determination on the reference.

Status: This is the original version (as it was originally enacted).

- (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.