
Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 1. (See end of Document for details)

SCHEDULES

SCHEDULE 10

DISCHARGE CONSENTS

Applications for consents

- 1 (1) An application for a consent, for the purposes of section 88(1)(a) of this Act, for any discharges shall be made to the [F¹Agency].
- (2) An application under this paragraph shall be accompanied or supplemented by all such information as the [F¹Agency] may reasonably require; but, subject to paragraph 2(4) below and without prejudice to the effect (if any) of any other contravention of the requirements of this Schedule in relation to such an application, a failure to provide information in pursuance of this sub-paragraph, shall not invalidate an application.
- (3) An application made in accordance with this paragraph which relates to proposed discharges at two or more places may be treated by the [F¹Agency] as separate applications for consents for discharges at each of those places.
- (4) Where an application is made in accordance with this paragraph the [F¹Agency] shall—
- (a) publish notice of the application, at least once in each of two successive weeks, in a newspaper or newspapers circulating in—
 - (i) the locality or localities in which the places are situated at which it is proposed in the application that the discharges should be made; and
 - (ii) the locality or localities appearing to the [F¹Agency] to be in the vicinity of any controlled waters which the [F¹Agency] considers likely to be affected by the proposed discharges;
 - (b) publish a copy of that notice in an edition of the London Gazette published no earlier than the day after the publication of the last of the notices to be published by virtue of paragraph (a) above;
 - (c) send a copy of the application to every local authority or water undertaker within whose area any of the proposed discharges is to occur;
 - (d) in the case of an application which relates to proposed discharges into coastal waters, relevant territorial waters or waters outside the seaward limits of relevant territorial waters, serve a copy of the application on each of the Ministers.
- (5) The [F¹Agency] shall be entitled, on an application made in accordance with this paragraph, to disregard the provisions of paragraphs (a) to (c) of sub-paragraph (4) above if it proposes to give the consent applied for and considers that the discharges in question will have no appreciable effect on the waters into which it is proposed that they should be made.

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- (6) Where notice of an application under this paragraph is published by the [^{F1}Agency] under sub-paragraph (4) above, the [^{F1}Agency] shall be entitled to recover the expenses of publication from the applicant.
- (7) If a person who proposes to make or has made an application under this paragraph (“the relevant application”)—
- (a) applies to the Secretary of State within the prescribed period for a certificate providing that the provisions of sub-paragraph (4) above and subsection (1) of section 190 of this Act shall not apply to—
 - (i) the relevant application;
 - (ii) any consent given or conditions imposed on the relevant application;
 - (iii) any sample of effluent taken from a discharge for which consent is given on the relevant application; or
 - (iv) information produced by analysis of such a sample;

and
 - (b) satisfies the Secretary of State that it would be contrary to the public interest or would prejudice, to an unreasonable degree, some private interest, by disclosing information about a trade secret, if a certificate were not issued under this sub-paragraph,
- the Secretary of State may issue a certificate to that person providing that those provisions shall not apply to such of the things mentioned in paragraph (a) above as are specified in the certificate.

Textual Amendments

- F1** Words in [Sch. 10 para. 1](#) substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, [Sch. 22 para. 128](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)

Status:

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Changes to legislation:

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