

*Status: Point in time view as at 14/03/2012.*

*Changes to legislation: Environment Act 1995, Paragraph 108 is up to date with all changes known to be in force on or before 15 July 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)*

## SCHEDULES

### SCHEDULE 22

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Water Industry Act 1991*

- 108 (1) Section 130 of that Act (reference to the Secretary of State of agreements relating to special category effluent) shall be amended in accordance with the following provisions of this paragraph.
- (2) For the words “the Secretary of State”, wherever occurring, there shall be substituted the words “ the Environment Agency ”.
- (3) For subsections (5) and (6) (enforcement by Secretary of State) there shall be substituted—
- “(7) If a sewerage undertaker fails, before giving any consent or entering into any agreement with respect to any such operations as are mentioned in paragraph (a) of subsection (1) above, to refer to the Environment Agency any question which he is required by that subsection 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.
- (8) If the Environment Agency becomes aware—
- (a) that a sewerage undertaker and the owner or occupier of any trade premises are proposing to enter into any such agreement as is mentioned in subsection (1) above, and
- (b) that the sewerage undertaker has not referred to the Agency any question which it is required to refer to the Agency by that subsection,
- the Agency may proceed as if the reference required by that subsection had been made.
- (9) If the Environment Agency becomes aware that any consent has been given or agreement entered into with respect to any such operations as are mentioned in paragraph (a) of subsection (1) above without the sewerage undertaker in question having referred to the Environment Agency any question which he is required by that subsection to refer to the Agency, the Agency may exercise its powers of review under section 127 above or, as the case may be, section 131 below, notwithstanding anything in subsection (2) of the section in question.”

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