
STATUTORY INSTRUMENTS

1989 No. 1156

**The Trade Effluents (Prescribed Processes
and Substances) Regulations 1989**

Variation of existing consents

5.—(1) A sewerage undertaker shall, in the circumstances referred to in paragraph (2), notify the Secretary of State of its proposal to vary, by direction under section 60(1) of the Public Health Act 1961⁽¹⁾, the conditions attached to a consent having effect as if given by the undertaker under the Public Health (Drainage of Trade Premises) Act 1937⁽²⁾ (consent to the discharge of trade effluent into a public sewer).

(2) The circumstances mentioned in paragraph (1) are that –

- (a) the consent has not been reviewed by the Secretary of State in accordance with paragraph 2 of Schedule 9 to the 1989 Act; and
- (b) if the proposed variation were made, the consent would authorise the discharge of effluent containing a concentration of a substance referred to in Schedule 1 to these Regulations in excess of the background concentration.

(3) A notification under paragraph (1) shall be treated as a reference to the Secretary of State under paragraph 1 of the said Schedule 9 of the question whether the relevant operations should be prohibited; and paragraphs 3 and 4 of that Schedule shall have effect accordingly.

(4) Where the undertaker has notified the Secretary of State in accordance with paragraph (1) –

- (a) it shall inform the owner or occupier of the trade premises in question of that notification; and
- (b) it shall not vary the consent unless the Secretary of State has given such a notice as is described in paragraph 3(2)(c) of the said Schedule 9.

(5) The requirements imposed on a sewerage undertaker by this regulation shall be enforceable under section 20 of the 1989 Act by the Secretary of State.

(1) 1961 c. 64.
(2) 1937 c. 40.