

## STATUTORY INSTRUMENTS

# 1994 No. 2841

## The Urban Waste Water Treatment (England and Wales) Regulations 1994

### Samples and records

10.—(1) In this regulation—

(a) a “relevant condition” means a condition imposed for the purposes of regulation 6(2) in [F1an environmental permit] ;

[F2(b) “the operator” has the meaning given in the Environmental Permitting Regulations]

(2) Where the operator is required by a relevant condition to provide any apparatus for the purpose of measuring or recording the volume, rate of flow, nature, composition or temperature of any waste water, or for the purpose of collecting samples of waste water, any such apparatus so provided shall be presumed to register accurately unless the contrary is shown.

(3) Any record—

(a) produced by any such apparatus as is mentioned in paragraph (2) above; or

(b) made by or on behalf of the operator in order to comply with a relevant condition,

shall be evidence of the matters appearing from the record and shall, in any proceedings under [F3the Environmental Permitting Regulations] , be admissible in evidence against the operator.

(4) Where—

(a) an entry is required by a relevant condition to be made in any record as to the observance of that or any other relevant condition; and

(b) the entry has not been made,

that fact shall be admissible as evidence that that condition or, as the case may be, that other condition has not been observed.

(5) Where, in compliance with a relevant condition, a sample of waste water is collected by apparatus installed for the purpose of collecting such samples automatically, the sample shall be treated, for the purpose of section 209 of the Water Resources Act 1991 (evidence of samples and abstractions) [F4and the Environmental Permitting Regulations], as being taken only at the time when it is removed from that apparatus.

(6) For the purposes of the said section 209 [F5and the Environmental Permitting Regulations], a sample of waste water which is taken and analysed by the operator in compliance with a relevant condition shall not be treated as being taken on behalf [F6of the appropriate agency].

### Textual Amendments

- F1** Words in reg. 10(1)(a) substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1), [Sch. 26 Pt. 2 para. 10\(5\)\(a\)](#) (with reg. 1(2))

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**Changes to legislation:** There are currently no known outstanding effects for the The Urban Waste Water Treatment (England and Wales) Regulations 1994, Section 10. (See end of Document for details)

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- F2** Reg. 10(1)(b) substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1), **Sch. 26 Pt. 2 para. 10(5)(b)** (with reg. 1(2))
- F3** Words in reg. 10(3) substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1), **Sch. 26 Pt. 2 para. 10(5)(c)** (with reg. 1(2))
- F4** Words in reg. 10(5) inserted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1), **Sch. 26 pt. 2 para. 10(5)(d)** (with reg. 1(2))
- F5** Words in reg. 10(6) inserted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1), **Sch. 26 Pt. 2 para. 10(5)(e)** (with reg. 1(2))
- F6** Words in reg. 10(6) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 4 para. 44** (with Sch. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the The Urban Waste Water Treatment (England and Wales) Regulations 1994, Section 10.