

## SCHEDULES

### SCHEDULE 1

#### DISCHARGE CONSENTS

##### *Consents without applications*

4.—(1) If it appears to the Department—

- (a) that a person has discharged effluent or other matter in contravention of [<sup>F1</sup>Article 7(2)]  
; and
- (b) that a similar contravention by that person is likely,

the Department may, if it thinks fit, serve on him an instrument in writing giving its consent for the purposes of that Article, subject to any conditions specified in the instrument, for discharges of a description so specified.

(2) Where a discharge consent has been given under this paragraph, the Department shall give notice of its decision to give that consent to—

- [<sup>F2</sup>(a) the Foyle, Carlingford and Irish Lights Commission, where the discharge is to be, or is being, made in the Londonderry Area or the Newry Area;]
- <sup>F3</sup>(b) .....

(3) A discharge consent given under this paragraph shall not relate to any discharge which occurred before the instrument containing the consent was served on the recipient of the instrument.

(4) Sub-paragraph (4) of paragraph 2 shall have effect in relation to a consent given under this paragraph as it has effect in relation to a consent given under that paragraph.

(5) Where a discharge consent has been given under this paragraph, the Department shall publish notice of the consent in such manner as may be prescribed and send copies of the instrument containing the consent to such bodies or persons as may be prescribed.

(6) It shall be the duty of the Department to consider any representations with respect to a discharge consent under this paragraph as are made to it in such manner, and within such period, as may be prescribed and have not been withdrawn.

(7) Where notice of a discharge consent is published by the Department under sub-paragraph (5) the Department shall be entitled to recover the expenses of publication from the person on whom the instrument containing the consent was served.

**F1** Words in Sch. 1 para. 4(1)(a) substituted (1.1.2007 for certain purposes, 1.4.2007 for certain purposes, otherwise 25.5.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21), arts. 1(2)(3)(e), **290(4)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with art. 3, Sch. 2); S.R. 2007/282, **art. 2(2)**, Sch.

**F2** SI 1999/859

**F3** Sch. 1 para. 4(2)(b) omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 72(4)** (with art. 9(2))

**Changes to legislation:**

There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, Cross Heading: Consents without applications.