

SCHEDULES

SCHEDULE 1

DISCHARGE CONSENTS

Consideration and determination of applications

2.—(1) On an application under paragraph 1 the Department shall be under a duty, if the requirements—

- (a) of that paragraph, and
- (b) of any regulations made under that paragraph [^{F1}or paragraph 1A],

are complied with, to consider whether to give the consent applied for, either unconditionally or subject to conditions, or to refuse it.

(2 ^{F2} Subject to the following provisions of this Schedule, on an application made in accordance with paragraph 1, the applicant may treat the consent applied for as having been refused if it is not given within the period of 4 months beginning with the day on which the application is received or within such longer period as may be agreed in writing between the Department and the applicant.

(3) Where any person, having made an application to the Department for a discharge consent, has failed to comply with—

- (a) his obligation under paragraph 1(1)(b) to advertise the application; or
- (b) his obligation under paragraph 1(3) or (4) to provide information to the Department,

the Department may refuse to proceed with the application, or refuse to proceed with it until the application has been advertised or, as the case may be, the information has been provided.

(4) The conditions subject to which a consent may be given under this paragraph shall be such conditions as the Department may think fit and a consent may be given under this paragraph subject to different conditions in respect of different periods.

(5) The Department may, by regulations, substitute for any period for the time being specified in sub-paragraph (2), such other period as it thinks fit.

(6) Where an application is made under paragraph 1, the Department shall give notice of its decision on that application to—

- (a) the person making the application;
- [^{F3}(b) the Foyle, Carlingford and Irish Lights Commission, where the discharge is being, or is to be, made in the Londonderry Area or the Newry Area;]
- ^{F4}(c)

F1	Words in Sch. 1 para. 2(1)(b) added (1.1.2007 for certain purposes, otherwise 1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21), arts. 1(2)(3)(e), 290(3) (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2) , Sch. 1 Pt. II (with art. 3, Sch. 2)
F2	mod. by SR 2001/284
F3	SI 1999/859

Changes to legislation: *There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, Cross Heading: Consideration and determination of applications. (See end of Document for details)*

F4 Sch. 1 para. 2(6)(c) 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(2)** (with art. 9(2))

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