

---

STATUTORY INSTRUMENTS

---

**1973 No. 70**

**Water and Sewerage Services (Northern  
Ireland) Order 1973 (REPEALED)**

**PART V**

*CONTROL OF EXISTING DISCHARGES*

**Meaning of existing discharge**

**28**<sup>F1</sup>.—(1) In this Part, existing discharge means a discharge of trade effluent from trade premises into the sewers or sewage treatment works of a local authority which was lawfully made within the period of two years ending on 1st October 1973.

(2) Where before 1st October 1973 a local authority and the person making the discharge have agreed that after that date the nature or composition of the discharge may be altered or the temperature, volume or rate of discharge may be increased, any discharge made in accordance with such agreement shall be treated for the purposes of this Part as an existing discharge.

(3) Any dispute between the Ministry and the person making the discharge as to whether the discharge is an existing discharge shall be determined by the county court whose decision in the matter shall be final, except on a point of law.

**F1** functions transf. by SR 1999/481

**Right to continue existing discharge**

**29**<sup>F2</sup>. Subject to this Part, and except where the Ministry and the person making the discharge otherwise agree, an existing discharge shall be allowed to continue.

**F2** functions transf. by SR 1999/481

**Information relating to existing discharges**

**30**<sup>F3</sup>.—<sup>[F4(1)]</sup> <sup>[F4</sup>The Department may require the owner or occupier of premises from which an existing discharge is being made to furnish in writing] such information to the Ministry concerning the discharge as an applicant for consent to a new discharge is required to furnish in a trade effluent notice under Article 23(2), and information concerning the period for which the discharge has continued.

<sup>[F4(2)</sup> Any person who, having been required by the Department to furnish information to it under this Article, fails to furnish that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.]

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), Cross Heading: CONTROL OF EXISTING DISCHARGES. (See end of Document for details)*

**F3** functions transf. by SR 1999/481  
**F4** 1993 NI 16

### Review of existing discharges

**31** <sup>F5</sup>.—(1) The Ministry may, and when requested by the person making the discharge shall, review the making of an existing discharge and may direct that any continuation of the discharge shall be either unconditional or subject to such conditions (including conditions as to charges) as it may think fit to impose.

(2) The Ministry may review a direction under paragraph (1) at intervals of not less than two years from the direction or last review of the direction or at any time on the application of the person making the discharge in question.

(3) Before a direction is made under paragraph (1) or is reviewed under paragraph (2), the Ministry shall intimate to the person making the discharge in question that it proposes to do so, and its reasons therefor, and inform him that he may, within twenty-eight days of that intimation, make representations to the Ministry in respect of the proposal.

(4) Before a direction is made under paragraph (1) or is reviewed under paragraph (2), the Ministry shall take into account any representations made to it under paragraph (3).

(5) Where a direction is made under paragraph (1) or is reviewed under paragraph (2), the person making the discharge may<sup>F6</sup>, except in so far as the direction or review relates to charges,] appeal to the Appeals Commission against that direction or review, within twenty-eight days from the date of that direction or review.

(6) A direction made under paragraph (1) or reviewed under paragraph (2) shall take effect from a date specified therein but not earlier than three months after the date of that direction or review as the case may be.

**F5** functions transf. by SR 1999/481  
**F6** 1993 NI 16

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), Cross Heading: CONTROL OF EXISTING DISCHARGES.