

SCHEDULE 2

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART III

TRADE EFFLUENT

Applications for consent to a new discharge

15.—(1) Any application made to the Department in accordance with Article 23 of the 1973 Order by an occupier of trade premises which is outstanding immediately before the transfer date in respect of any premises shall have effect on and after that date as if it were a notice served on the sewerage undertaker for the purposes of Article 176 of the 2006 Order.

(2) Where an application has effect as a notice by virtue of sub-paragraph (1)—

- (a) the applicant shall within 28 days of the transfer date supplement the application by the provision to the sewerage undertaker of the information mentioned in Article 176(2)(b) and (c) of the 2006 Order; and
- (b) the periods mentioned in Article 178(2) and Article 180(1)(b) of the 2006 Order shall not begin to run for the purposes of those provisions in their application to such notice until the day after that on which the applicant provides the information so required.

(3) Where any appeal has been made to the Appeals Commission in accordance with Article 26 of the 1973 Order and has not been determined before the transfer date, it shall be determined by the Authority on or after that date under Article 180 of the 2006 Order as if the appeal were an appeal under sub-paragraph (a) or (c) of paragraph (1) of that Article (as the case may be); and Article 181 of the 2006 Order (except paragraph (1)) shall apply accordingly.

(4) Where a person has a right to appeal to the Appeals Commission under Article 26 of the 1973 Order within the period of 28 days from the date on which he received an intimation of the decision and before the transfer date—

- (a) that right has not been exercised; and
- (b) that period has not expired,

that person may within the said period appeal to the Authority under Article 180 of the 2006 Order as if the appeal were an appeal under sub-paragraph (a) or (c) of paragraph (1) of that Article (as the case may be); and Article 181 of the 2006 Order (except paragraph (1)) shall apply accordingly.

(5) In this paragraph the reference to any application made in accordance with Article 23 of the 1973 Order which is outstanding immediately before the transfer date is a reference to an application for consent under Article 22 made in accordance with Article 23 of that Order which has not been—

- (a) withdrawn by the applicant before the transfer date, or
- (b) refused, or granted subject to conditions, by the Department more than 28 days before that date.