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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

The Water and Sewerage Services  
(Northern Ireland) Order 2006

PART VI

SEWERAGE SERVICES

CHAPTER III

TRADE EFFLUENT

*Consents on an application*

**Appeals with respect to the discharge of special category effluent**

**181.**—(1) Where a reference is made to DOE under Article 178, the period mentioned in subparagraph (b) of paragraph (1) of Article 180 shall not begin to run for the purposes of that paragraph, in relation to the application to which the reference relates, until the day after DOE serves notice on the sewerage undertaker in question of its determination on the reference.

(2) If, on an appeal under Article 180, it appears to the Authority

- (a) that the case is one in which the sewerage undertaker in question is required to make a reference under Article 178 before giving a consent; and
- (b) that the undertaker has not made such a reference, whether because the case falls within paragraph (3) of that Article or otherwise,

the Authority shall not be entitled to determine the appeal, otherwise than by upholding a refusal, except where the conditions set out in paragraph (3) are satisfied.

(3) The conditions mentioned in paragraph (2) are satisfied if the Authority

- (a) has itself referred the questions mentioned in Article 178(1) to DOE; and
- (b) has been sent a copy of the notice of DOE's determination on the reference.

(4) Every reference under this Article shall be made in writing and shall be accompanied by a copy of the notice containing the application in respect of which the appeal and reference is made.

(5) It shall be the duty of the Authority, on making a reference under this Article, to serve a copy of the reference

- (a) on the occupier of the trade premises in question; and
- (b) on the sewerage undertaker in question.