
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VI

SEWERAGE SERVICES

CHAPTER III

TRADE EFFLUENT

Agreements with respect to the disposal etc. of trade effluent

Review by DOE of agreements relating to special category effluent

189.—(1) Where any person, as the owner or occupier of any trade premises, is (whether or not in accordance with a notice under Article 190) for the time being a party to any agreement under Article 187 with respect to, or to any matter connected with, the reception or disposal of special category effluent, DOE may review the questions

- (a) whether the operations which, for the purposes of or in connection with the reception or disposal of that effluent, are carried out in pursuance of the agreement should be prohibited; and
 - (b) whether, if they are not prohibited, any requirements should be imposed as to the conditions on which they are carried out.
- (2) Subject to paragraph (3), DOE shall not review any question under this Article unless
- (a) the agreement by virtue of which the operations in question are carried out has not previously been the subject matter of a review and was entered into
 - (i) before the transfer date; or
 - (ii) in contravention of Article 191;
 - (b) a period of more than two years has elapsed since the time, or last time, when notice of DOE's determination on any reference or review relating to that agreement was served under Article 190 on the owner or occupier of the trade premises in question; or
 - (c) there has, since the time, or last time, when such a notice was so served, been a contravention of any provision which was included in compliance with a requirement of a notice under Article 190 in the agreement by virtue of which the operations in question are carried out.
- (3) Paragraph (2) shall not apply if the review is carried out
- (a) for the purpose of enabling Her Majesty's Government in the United Kingdom to give effect to any Community obligation or to any international agreement to which the United Kingdom is for the time being a party; or

- (b) for the protection of public health or of flora and fauna dependent on an aquatic environment.
- (4) References in this Article to an agreement include references to an agreement as varied from time to time by a notice under Article 190.