

SCHEDULES

SCHEDULE 8

SEWERAGE FUNCTIONS

The Public Health (Drainage of Trade Premises) Act 1937 (c. 40)

- 3 (1) In section 2 of the 1937 Act (trade effluent notices and consents)—
- (a) in subsection (1), for the words from the beginning to “in accordance with”, in the first place where it occurs, there shall be substituted the words “An application to a sewerage undertaker for a consent to discharge trade effluent from any trade premises into the public sewer of a sewerage undertaker shall be by”;
 - (b) in subsection (3), for the words from the beginning to “that consent” there shall be substituted the words “The power of a sewerage undertaker to give a consent on an application under subsection (1) of this section shall be a power to give a consent”; and
 - (c) after subsection (5) of that section there shall be substituted the following subsection—
 - “(5A) A person guilty of an offence under subsection (5) above shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to a fine.”
- (2) On and after the transfer date—
- (a) appeals under section 3 of the 1937 Act (appeals in respect of trade effluent notices);
 - (b) references under section 4 of that Act (disputes under section 43 of the Control of Pollution Act 1974); and
 - (c) applications under section 7(5) of the 1937 Act (cancellation of pre-1937 Act agreements),
- shall be made to the Director, instead of to the Secretary of State; and, accordingly, references in those provisions and in sections 61, 66 and 68 of the 1961 Act to the Secretary of State shall have effect on and after that date, in relation to any such appeal, reference or application, as references to the Director.
- (3) Subject to paragraph 1(6) of Schedule 9 to this Act, the initial period for the purposes of section 3 of the 1937 Act (appeals) shall, in relation to any trade effluent notice, be the period of two months beginning with the day after service of the notice.
- (4) On any appeal or reference under section 3 or 7(5) of 1937 Act—
- (a) conditions providing for the payment of charges to the sewerage undertaker in question shall not be determined by the Director except in so far as no provision is in force by virtue of a scheme under section 76 of this Act in

Status: This is the original version (as it was originally enacted).

respect of any such receptions, discharges, removals or disposals of effluent or substances as are of the same description as the reception, discharge, removal or disposal which is the subject-matter of the appeal or reference; and

- (b) in so far as any such conditions do fall to be determined by the Director, they shall be determined having regard to the desirability of that undertaker's recovering the expenses of complying with its obligations in consequence of the consent or agreement to which the conditions relate and of securing a reasonable return on its capital;

and, to the extent that paragraph (a) above excludes any charges from a determination on such an appeal or reference, those charges shall be fixed from time to time by a scheme under the said section 76 but not otherwise.

- (5) After section 7 of the 1937 Act (certified copies of agreements to be made available for inspection) there shall be inserted the following section—

“7A Inspection of consents etc

- (1) It shall be the duty of every sewerage undertaker to secure that copies of—
- (a) every consent given or having effect as if given by the undertaker under this Act;
 - (b) every agreement entered into or having effect as if entered into by the undertaker under section 7 of this Act;
 - (c) every direction given or having effect as if given by the undertaker under Part V of the Public Health Act 1961;
 - (d) every direction given or having effect as if given by the undertaker in pursuance of section 43(3) of the Control of Pollution Act 1974; and
 - (e) every notice served on the undertaker under paragraph 3 of Schedule 9 to the Water Act 1989,

are kept available, at all reasonable times, for inspection by the public free of charge at the offices of the undertaker.

- (2) It shall be the duty of every sewerage undertaker, on the payment of such sum as may be reasonable, to furnish a person who requests it with a copy of, or of an extract from, anything kept available for inspection under this subsection.

- (3) The duties of a sewerage undertaker under this section shall be enforceable under section 20 of the Water Act 1989 by the Director General of Water Services.”

- (6) In section 9(3) of the 1937 Act (offence of failure to provide information etc.), the words from “and to a further” onwards shall be omitted.

- (7) The provisions of Part XII of the 1936 Act so far as they have effect by virtue of section 14(2) of the 1937 Act in relation to any enactment contained in the 1937 Act shall so have effect as they have effect, by virtue of the preceding provisions of this Schedule, in relation to the sections specified in paragraph 1(2)(a) above; and, accordingly, the references in section 10 of the 1937 Act to an officer of a water authority shall have effect as references to any such person as is mentioned in paragraph 2(9) above.