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SCHEDULES

SCHEDULE 9

CONTROL OF EXERCISE OF TRADE EFFLUENT FUNCTIONS IN CERTAIN CASES

Determinations on a reference or review

- 3 (1) On a reference or review under paragraph 1 or 2 above, it shall be the duty of the Secretary of State, before determining the questions which are the subject-matter of the reference or review—
- (a) to give an opportunity of making representations or objections to the Secretary of State to the sewerage undertaker in question and to the relevant person; and
 - (b) to consider any representations or objections which are duly made to him with respect to those questions by that undertaker or by the relevant person and are not withdrawn.
- (2) On determining any question on a reference or review under paragraph 1 or 2 above, the Secretary of State shall serve notice on the sewerage undertaker in question and on the relevant person, stating, according to what has been determined—
- (a) that the proposed or authorised operations, or such of them as are specified in the notice, are to be prohibited; or
 - (b) that those operations, or such of them as are so specified, are to be prohibited except in so far as they are carried out in accordance with conditions which consist in or include conditions so specified; or
 - (c) that the Secretary of State has no objection to those operations and does not intend to impose any requirements as to the conditions on which they are carried out.
- (3) Without prejudice to paragraph 4 below, a notice under this paragraph, in addition to containing such provision as is specified in sub-paragraph (2) above, may do one or both of the following, that is to say—
- (a) vary or revoke the provisions of a previous notice with respect to the proposed or authorised operations; and
 - (b) for the purpose of giving effect to any prohibition or other requirement contained in the notice, vary or revoke any actual or deemed consent under the 1937 Act or any agreement under section 7 of that Act.
- (4) The Secretary of State shall send a copy of every notice served under this paragraph to the Director.