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*Status: Point in time view as at 01/12/1991.*

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# Water Industry Act 1991

## 1991 CHAPTER 56

### PART IV

#### SEWERAGE SERVICES

#### CHAPTER III

#### TRADE EFFLUENT

*Agreements with respect the disposal etc. of trade effluent*

#### **129 Agreements with respect to the disposal etc of trade effluent.**

- (1) Subject to sections 130 and 133 below, a sewerage undertaker may enter into and carry into effect—
  - (a) an agreement with the owner or occupier of any trade premises within its area for the reception and disposal by the undertaker of any trade effluent produced on those premises;
  - (b) an agreement with the owner or occupier of any such premises under which it undertakes, on such terms as may be specified in the agreement, to remove and dispose of substances produced in the course of treating any trade effluent on or in connection with those premises.
- (2) Without prejudice to the generality of subsection (1) above, an agreement such as is mentioned in paragraph (a) of that subsection may, in particular, provide—
  - (a) for the construction or extension by the sewerage undertaker of such works as may be required for the reception or disposal of the trade effluent; and
  - (b) for the repayment by the owner or occupier, as the case may be, of the whole or part of the expenses incurred by the undertaker in carrying out its obligations under the agreement.

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- (3) It is hereby declared that the power of a sewerage undertaker to enter into an agreement under this section includes a power, by that agreement, to authorise such a discharge as apart from the agreement would require a consent under this Chapter.

**130 Reference to the Secretary of State of agreements relating to special category effluent.**

- (1) Where a sewerage undertaker and the owner or occupier of any trade premises are proposing to enter into an agreement under section 129 above with respect to, or to any matter connected with, the reception or disposal of any special category effluent, it shall be the duty of the undertaker to refer to the Secretary of State the questions—
- (a) whether the operations which would, for the purposes of or in connection with the reception or disposal of that effluent, be carried out in pursuance of the proposed 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) It shall be the duty of a sewerage undertaker where it has made a reference under this section not to give any consent or enter into any agreement with respect to any such operations as are mentioned in subsection (1)(a) above at any time before the Secretary of State serves notice on the undertaker of his determination on the reference.
- (3) Every reference under this section shall be made in writing and shall be accompanied by a copy of the proposed agreement.
- (4) It shall be the duty of a sewerage undertaker, on making a reference under this section, to serve a copy of the reference on the owner or the occupier of the trade premises in question, according to whether it is the owner or occupier who is proposing to be a party to the agreement.
- (5) Subject to subsection (6) below, the duties of a sewerage undertaker under this section shall be enforceable under section 18 above by the Secretary of State.
- (6) Where an application is made to the Secretary of State under section 18 above in respect of a failure by a sewerage undertaker to make a reference under this section, the Secretary of State may, instead of making an order under that section, proceed with the matter as if the application were the reference.

**131 Review by the Secretary of State of agreements relating to special category effluent.**

- (1) Where any person, as the owner or occupier of any trade premises, is (whether or not in accordance with a notice under section 132 below) for the time being a party to any agreement under section 129 above with respect to, or to any matter connected with, the reception or disposal of special category effluent, the Secretary of State 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.

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- (2) Subject to subsection (3) below, the Secretary of State shall not review any question under this section 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 1st September 1989; or
    - (ii) in contravention of section 133 below;
  - (b) a period of more than two years has elapsed since the time, or last time, when notice of the Secretary of State's determination on any reference or review relating to that agreement was served under section 132 below 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 section 132 below in the agreement by virtue of which the operations in question are carried out.
- (3) Subsection (2) above 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 section to an agreement include references to an agreement as varied from time to time by a notice under section 132 below.

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