
STATUTORY INSTRUMENTS

2023 No. 651

The Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023

Amendment of Schedule 21

6. In Schedule 21, in paragraph 6—

- (a) in sub-paragraph (5), for the words “A sewerage undertaker” substitute “In relation to Wales, a sewerage undertaker”;
- (b) after sub-paragraph (5) insert—

“(5A) In relation to England, a sewerage undertaker is not guilty of an offence under regulation 38(1) or (2) in relation to a water discharge activity that consists of a discharge of sewage effluent from a sewer or works vested in it if—

- (a) the contravention is attributable to a discharge which another person caused or knowingly permitted to be made into the sewer or works,
- (b) the undertaker either was not bound to receive the discharge into the sewer or works or was bound to receive it there subject to conditions which were not observed, and
- (c) the undertaker could not reasonably have been expected to prevent the discharge into the sewer or works.”.