

**DRAINAGE (AMENDMENT)  
(NORTHERN IRELAND) ORDER 2005**

**S.I. 2005 1453**

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**EXPLANATORY MEMORANDUM**

**BACKGROUND AND POLICY OBJECTIVES**

3. The Rivers Agency (“the Agency”) is an Executive Agency within the Department. The Department is the statutory drainage and flood protection authority for Northern Ireland. Under the terms of the Drainage (Northern Ireland) Order 1973 the Department has discretionary powers to:
- Maintain watercourses and sea defences, which have been designated by the Drainage Council for Northern Ireland for maintenance by the Department at public expense.
  - Construct and maintain drainage and flood defence structures (including improved infrastructure to facilitate development).
  - Administer advisory and enforcement procedures to protect the drainage function of all watercourses including administration of the requirement for third parties to obtain Departmental consent to carry out developments, likely to affect flows in watercourses, such as culverting and storm discharge.
  - The Department also administers historic drainage trusts set up to provide for private land drainage works following the land reform legislation in the early 20<sup>th</sup> century.