



2016 CHAPTER 13

PART 5

AMENDMENTS TO THE WATER AND SEWERAGE  
SERVICES (NORTHERN IRELAND) ORDER 2006

**Enforcement authorities**

**19.**—(1) The Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows.

(2) After Article 30(6)(c)(i) (orders for securing compliance with certain provisions) insert—

“(ia) DOE;”.

(3) In Article 30(6)(c)(iii) for “either” substitute “any”.

(4) In Article 30(7), in the definition of “enforcement authority”, for paragraph (a) substitute—

“(a) the Department;

(ab) DOE; or”.

(5) In Article 31(2)(a) and (b) after “Department” insert “or DOE”.

(6) In Article 108(5) (duties of water undertakers with respect to water quality), for “the Department” substitute “DOE”.

(7) In Article 110(4) (offence of supplying water unfit for human consumption), for “the Department” substitute “DOE”.

(8) In Article 124(1) (rights of entry) omit the words “the Department or”.

(9) In Article 267(3)(a) (provision of false information), for “of any provision” substitute “provision in Articles 107 to 112 or”.

(10) In Article 300(2)(a) (regulations) for “or by the Authority, or by either” substitute “or by DOE or by the Authority, or by any”.

(11) In Article 300(2)(e)(iii) (regulations) after “the Department,” insert “DOE,”.

### **Regulations relating to wholesomeness of water**

**20.**—(1) The Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows.

(2) In Article 107(1) (standards of wholesomeness)—

(a) for “The Department” substitute “DOE”; and

(b) after “water undertaker” insert “or by means of a private supply”.

(3) Article 107(2) ceases to have effect.

(4) In Article 107(3)—

(a) for “paragraphs (1) and (2)” substitute “paragraph (1)”; and

(b) in sub-paragraph (e), for “the Department (in the case of regulations under paragraph (1)) or DOE (in the case of regulations under paragraph (2))” substitute “DOE”.

(5) In Article 109(1) (regulations for preserving water quality), for “The Department” substitute “DOE”.

(6) In Article 109(3) for “the Department” substitute “DOE”.

(7) In Article 109(5) for “The Department” substitute “DOE”.

(8) Article 117 (functions of the Department where piped supplies insufficient or unwholesome) ceases to have effect.

### **Appointment and powers of inspectors**

**21.**—(1) Article 125 of the Water and Sewerage Services (Northern Ireland) Order 2006 (assessors for the enforcement of water quality) is amended as follows.

(2) In paragraph (1) for “The Department” substitute “DOE”.

(3) In paragraph (1)(a) omit the words “and 117”.

(4) In paragraphs (1)(a) and (b) omit the words “and sufficiency”.

(5) In paragraph (1)(b) for “the Department” substitute “DOE”.

(6) In paragraph (3) for “the Department and DOE (acting jointly)” substitute “DOE”.

(7) In paragraph (4) for “the Department” (wherever occurring) substitute “DOE”.

(8) In paragraph (4)(a)(i) omit the words “or Article 117”.

- (9) In paragraph (4)(a)(ii) omit the words “and 117”.
- (10) In paragraph (7)—
  - (a) after “paragraph (1)” insert “or (2)”;
  - (b) for “the Department” substitute “DOE”;
  - (c) in sub-paragraph (a), after “paragraph (4)” insert “or (5)”;
  - (d) in sub-paragraph (c), omit the words “or Article 117”.
- (11) Paragraph (8) ceases to have effect.
- (12) In paragraph (9) omit the words “or (8)”.
- (13) In paragraph (11) omit the words “and sufficiency”.

### **Publication of certain information and advice**

**22.**—(1) The Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows.

(2) In Article 259(2) and (7) (publication of certain information and advice), for “its private supply functions” substitute “its functions relating to the supply of water for domestic or food production purposes”.

(3) For Article 259(8) substitute—

“(8) References in this Article to the functions of DOE relating to the supply of water for domestic or food production purposes are to its functions under Articles 107 to 112 and 118 to 125.”.

### **Transitional provisions**

**23.** After Article 302 of the Water and Sewerage Services (Northern Ireland) Order 2006 insert—

#### **“302A Transitional provisions (Environmental Better Regulation Act (Northern Ireland) 2016)**

(1) The amendment of any provision of this Order made by section 19 of the 2016 Act does not affect anything done by the Department before the commencement of that section that, on or after that commencement, could only have been done by DOE and any such thing has the same effect as if it had been done by DOE.

(2) The amendments of Articles 107 and 109 made by section 20 of, and Schedule 2 to, the 2016 Act do not affect any regulations made by the Department under those Articles and in force immediately before the commencement of that section and Schedule and any such regulations have the same effect as if they had been made by DOE and as if any reference in them to the Department were a reference to DOE.

(3) The amendment of Article 124(1) made by Schedule 2 to the 2016 Act does not affect a designation made by the Department for the purpose of Article 124(1) and in force under that Article immediately before the commencement of that Schedule and any such designation has the same effect as if it had been made by DOE.

(4) The amendments of Article 125 made by section 21 of, and Schedule 2 to, the 2016 Act do not affect an appointment of an inspector made by the Department, or an appointment of a person as the Chief Inspector of Drinking Water made jointly by the Department and DOE, under that Article and in force under that Article immediately before the commencement of that section and Schedule and any such appointment has the same effect as if it had been made by DOE.

(5) This Article is additional to, and does not take away from, the Interpretation Act (Northern Ireland) 1954.

(6) In this Article “the 2016 Act” means the Environmental Better Regulation Act (Northern Ireland) 2016.”.