
STATUTORY INSTRUMENTS

1973 No. 70

**Water and Sewerage Services (Northern
Ireland) Order 1973 (REPEALED)**

PART II

WATER AND SEWERAGE SERVICES

Procedure on appeals

8^{F1}.—^{F2}(1) Where, under this Order or any other transferred provision, the Appeals Commission may determine an appeal or hear an application—

- (a) the jurisdiction of the Appeals Commission may be exercised by any one of its members;
- (b)^{F3} except where an appeal or application is to be decided solely by reference to written representations, the Chief Commissioner may, after consultation with the Appeals Commission and^{F4} the Office of the First Minister and deputy First Minister], appoint an assessor to sit with the member under sub-paragraph (a) at the appeal or hearing of the application to advise him on any matters arising;
- (c) notwithstanding sub-paragraphs (a) and (b) any decision on the appeal or application shall be made by the Appeals Commission and reported to the Department.

(2)^{F3} The Appeals Commission may pay to any assessor appointed under paragraph (1)(b) such fees and allowances as the Commission, with the approval of^{F4} the Office of the First Minister and deputy First Minister], may approve.]

^{F5}(2A) Where, in pursuance of any statutory provision listed in paragraph (2B), any appeal made to the Appeals Commission, the Appeals Commission shall, without prejudice to its powers under paragraph (7) and section 23 of the Interpretation Act (Northern Ireland) 1954, advertise the appeal in one or more newspapers circulating in the area to which the appeal relates.

(2B) The statutory provisions referred to in paragraph (2A) are—

- (a) section 11A(4)(b) of the Fisheries Act (Northern Ireland) 1966 (fish culture licences);
- (b) Article 11(4) of the Water and Sewerage Services (Northern Ireland) Order 1973 (acquisition of water rights);
- (c) Article 6 of the Water (Northern Ireland) Order 1999 (water quality objectives);
- (d) Article 13(1)(a), (b), (c), (d), (f) and (g) of the Water (Northern Ireland) Order 1999 (appeals in relation to consents).

(2C) Where the Appeals Commission advertises an appeal in accordance with paragraph (2A), the Commission shall be entitled to recover the expenses of the advertisement from the appellant.]

(3) The Ministry shall notify the applicant or appellant, and any other person appearing to it to be interested, of any decision reported to it under^{F2} paragraph (1)(c)].

(4) The Ministry may, after considering any representations made to it under paragraph (5), vary the decision of the Appeals Commission or substitute for it a new decision.

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), Section 8. (See end of Document for details)

(5) Where the Ministry intends to act under paragraph (4) it shall, within twenty-eight days from the date on which it receives the decision of the Appeals Commission, notify the applicant or appellant and any other interested person of its intention and its reasons therefor and afford to those persons an opportunity of making representations to it.

(6) Subject to paragraph (5), the Appeals Commission's decision or any variation or substitution under paragraph (4) of that decision shall be final except—

(a) on a point of law;

Sub#para. (b) rep. by 1999 NI 6

(7) ^{F3} Without prejudice to section 23 of the Interpretation Act (Northern Ireland) 1954, [^{F4} the Office of the First Minister and deputy First Minister] may, after consultation with the Appeals Commission, make rules regulating the procedure to be followed by the Appeals Commission and, subject to this Order and the provision of any such rules, the Appeals Commission may regulate its own procedure.

Para. 8 rep. by 1999 NI 6

- | | |
|-----------|--|
| F1 | functions transf. so far as relating to functions under f009 |
| F2 | 1993 NI 16 |
| F3 | functions transf. by SR 2001/229 |
| F4 | SR 2001/229 |
| F5 | 1999 NI 6 |

Modifications etc. (not altering text)

- | | |
|-----------|--|
| C1 | Art. 8 applied (1.1.2007) by S.R. 2006/489 , reg. 23 |
| C2 | Art. 8(4) excluded (1.2.2007) by S.R. 2006/482 , reg. 29(9) (with reg. 3) |

Status:

Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), Section 8 .