STATUTORY INSTRUMENTS

1973 No. 70

Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED)

PART VIII

GENERAL

FINANCIAL

Charges for services

53 [F1]**.**—(1) The Ministry may charge the owners or occupiers of premises connected with a main or sewer of the Ministry such sums as it considers appropriate for the purpose of defraying the expenses of the Ministry under this Order and the**[**[F2] Water (Northern Ireland) Order 1999**]**.

(2) Without prejudice to the generality of paragraph (1), sums charged under that paragraph may be calculated by reference to—

(a) the quantity of water consumed;

(b) the cost of treating and disposing of any trade effluent discharged from the premises in question;

(c) the net annual value of the premises.

(3) The Ministry, with the approval of the Ministry of Finance, may make such regulations as it considers necessary for the purpose of levying charges under paragraph (1).

(4) Regulations made under paragraph (3) shall be subject to affirmative resolution.

(5) Where a person fails to pay a sum recoverable under this Article, the Ministry may disconnect the premises owned or occupied by him from the mains or sewers of the Ministry.

F1 functions transf. by SR 1999/481
F2 1999 NI 6

Recovery of expenses

54 [F3]**.** Where the Ministry has incurred expenses for the repayment of which the owner**[**[F4] or occupier**]** of the premises in respect of which the expenses were incurred is liable under this Order, or by agreement with the Ministry, the Ministry may recover those expenses from him summarily as a civil debt.

F3 functions transf. by SR 1999/481
F4 1993 NI 16

Compensation etc. in respect of execution of works

55 [F5]**.**—(1) In executing any works under this Order, the Ministry shall—

(a) cause as little detriment and inconvenience and do as little damage as possible;

(b) make good, or pay compensation for, any damage**[**[F6] to the property of any person**]** caused by, or in consequence of, the execution of the works**[**[F6] in relation to a matter as to which he has not himself been in default**]**.

(2) Subsections (2) to (6) of section 38 of the Mineral Development Act (Northern Ireland) 1969 shall have effect for the purposes of any claim for compensation under this Article as if, in those subsections, any reference to that section, that Act or the Ministry of Commerce were a reference to, respectively, this Article, this Order or the Ministry.

F5 functions transf. by SR 1999/481
F6 1993 NI 16

Financial provision

56.—(1) Any expenses incurred by the Ministry under this Order shall be defrayed either out of moneys hereafter appropriated for the purposes of defraying such expenses or, if the Ministry of Finance so directs, by means of sums charged on and issued out of the Consolidated Fund.

(2) The Ministry of Finance may borrow moneys for the purpose of providing money for issues out of the Consolidated Fund under paragraph (1).

(3) Any moneys borrowed under paragraph (2) shall be repaid within any period or periods not exceeding twenty-five years from the date of borrowing, and provision for such payment may be made out of moneys thereafter appropriated for that purpose.

(4) The aggregate of the sums charged on and issued out of the Consolidated Fund under paragraph (1) in relation to expenses for capital purposes shall not, unless and until Parliament otherwise determines, exceed one hundred million pounds.

Legal proceedings

56A.—(1) Notwithstanding anything in Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981, summary proceedings for an offence under Articles 17(6), 26A(2), 30(2), 34(3), 44(4), 46(2) and 52 or under regulations or orders made under this Order may be brought at any time within 6 months from the date on which evidence sufficient in the opinion of the Department to warrant the proceedings comes to the knowledge of the Department; but no such proceedings shall be brought by virtue of this Article more than 2 years after the commission of the offence.

(2) For the purposes of this Article a certificate signed on behalf of the Department and stating the date on which such evidence as aforesaid came to the knowledge of the Department shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed by the secretary of, or other officer authorised by, the Department shall be deemed to be so signed unless the contrary is proved.

Power to give effect to international obligations

56B.—(1) Regulations may make such modifications of the provisions of this Order[F7]. . . as are considered necessary or expedient for the purpose of enabling effect to be given—

(a) to any Community obligations; or

(b) to any international agreement to which the government of the United Kingdom is for the time being a party.

(2) In this Article regulations

(a) in relation to any Community obligations, means regulations made by the Department; and

(b) in relation to any international agreement, means regulations made by the Secretary of State.

(3) Regulations under this Article made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

(4) In this Article modifications includes additions, alterations and omissions.

F7 1999 NI 6

Status:
Point in time view as at 01/01/2006.

Changes to legislation:
There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), Cross Heading: FINANCIAL.