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STATUTORY INSTRUMENTS

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**1999 No. 662 (N.I. 6)**

**NORTHERN IRELAND**

**The Water (Northern Ireland) Order 1999**

*Made - - - - 10th March 1999  
Coming into operation in accordance with Article  
1(2) to (4)*

**THE WATER (NORTHERN IRELAND) ORDER 1999**

PART I

INTRODUCTORY

1. Title and commencement
2. Interpretation

PART II

FUNCTIONS OF THE DEPARTMENT OF THE ENVIRONMENT  
IN RELATION TO MATTERS AFFECTING WATER

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3. Interpretation of Part II

*General duty of the Department*

4. Duty of Department to promote conservation and cleanliness of water resources

*Quality objectives*

5. Classification of quality of waters
6. Water quality objectives

*Prevention of pollution of water*

7. Pollution, etc., of water
8. Prevention and making good of defaults under Article 7(1)
9. Discharge of effluent into waterway or underground stratum
10. Relationship with other statutory provisions controlling pollution
11. Power to make scheme of charges

*Status: This is the original version (as it was originally made).*

12. Enforcement notices
13. Appeals in respect of consents
14. Regulations as to prevention of pollution
15. Pollution emergencies

*Anti-pollution works*

16. Anti-pollution works and operations
17. Notices requiring persons to carry out anti-pollution works and operations
18. Grant of, and compensation for, rights of entry, etc.
19. Consequences of not complying with a works notice

*Abstraction and impounding*

20. Abstraction and impounding of water
21. Power to make scheme of charges in connection with water resources
22. Orders as to charges for abstractions of water or discharges

*Works, etc.*

23. Power of Department to carry out engineering or building operations
24. Acquisition of land by Department

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25. Powers of entry and inspection
26. Supplementary provisions as to powers of entry and inspection
27. Evidence in connection with certain pollution offences
28. Power to obtain information
29. Penalties for false information

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30. Pollution control register
31. Exclusion from registers of information affecting national security
32. Exclusion from registers of certain confidential information
33. Maps of fresh-water limits of waterways
34. Collection of data and information by Department

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35. Abandoned mines
36. Power to give effect to Community and other international obligations, etc.
37. Prosecutions
38. Repeal, amendment and adaptation of local enactments

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39. Application and interpretation of Part III
40. Matters to be taken into account in exercising certain functions

*Principal powers of Department in relation to waterways*

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42. Canal schemes
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45. Provisions of the Drainage Order applied for the purposes of this Part
46. Power of Department to enter into arrangements for improvement or restoration of waterways
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49. Regulation of recreational and navigational use of waterways
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*Supplementary provisions*

51. Powers of entry and inspection
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55. Financial provision
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  59. Power of Laganside Corporation to make byelaws
  60. Protection of watercourses – penalty in relation to nuisance
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- Signature

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SCHEDULES

SCHEDULE 1 — DISCHARGE CONSENTS

*Application for consent*

1. (1) An application for a discharge consent—

*Consideration and determination of applications*

2. (1) On an application under paragraph 1 the Department shall...

*Public inquiries*

3. (1) For the purpose of considering representations made in respect...

*Consents without applications*

4. (1) If it appears to the Department—

*Status: This is the original version (as it was originally made).*

*Revocation of consents and alteration and imposition of conditions*

5. (1) The Department may from time to time review any...

*Restriction on variation and revocation of consent and previous variation*

6. (1) Each instrument signifying the consent of the Department under...

*Applications for variation*

7. (1) The holder of a discharge consent given under paragraph...

*Transfer of consents*

8. (1) A discharge consent given under paragraph 2 or 4...

SCHEDULE 2 — ORDERS CONFERRING COMPULSORY POWERS FOR EXECUTING WORKS

1. Before making an order under Article 23(2) the Department shall...
2. Not later than the date on which the notice is...
3. The Department shall also publish in the Belfast Gazette a...
4. The Department shall, at the request of any person, furnish...
5. The Department may make the order in the terms of...
6. (1) If before the end of the period of 28...
7. (1) If the value of any estate in land to...

SCHEDULE 3 — MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR PURPOSES OF ARTICLE 24(3) AND 48(3)

1. References to the Ministry or to the council shall be...
2. References to Schedule 6 to the Local Government Act (Northern...
3. Omit paragraph 1.
4. In paragraph 2— (a) for the words from the beginning...
5. In paragraph 3(1)(ii) for the word “refuse” substitute the words...
6. In paragraph 4 omit the words from “and may provide”...
7. In paragraph 5— (a) in sub-paragraph (1)(a) omit the words...
8. In paragraph 6(2) for the words “fund out of which...
9. In paragraph 11(3) omit the words “in the prescribed form”...
10. In paragraph 12— (a) in sub-paragraph (1) omit the words...
11. In paragraph 14(1) omit the words “in the prescribed form”...
12. In paragraph 15(1) for the words “in the prescribed form”...
13. Omit paragraph 19.
14. Omit paragraph 20(2).

SCHEDULE 4 — DESCRIPTION OF CANAL WORKS, ETC.

1. Clearing of waterways, including— (a) the removal of obstructions, including...
2. Works in connection with waterways, including— (a) the cleansing, widening,...
3. New construction, including— (a) the diversion of waterways;
4. Removal, alteration or improvement of artificial objects such as sluices,...
5. Sea defence works.
6. The operation of any works described in this Schedule.
7. Such other works or classes of works as may be...

SCHEDULE 5 — PROVISIONS OF THE DRAINAGE ORDER APPLIED FOR THE PURPOSES OF PART III OF THIS ORDER

PART I — PROVISIONS OF THE DRAINAGE ORDER APPLIED BY ARTICLE 45(1)

1. The provisions of the Drainage Order applied by Article 45(1)...
2. The provisions of the Drainage Order specified in Part I...

SCHEDULE 6 — PROCEDURE FOR MAKING ORDERS UNDER ARTICLE 57(1)

1. Where the Departments propose to adopt a water management programme...
2. Either Department shall, if so requested by any person, furnish...
3. The Departments may alter the terms of the draft programme...
4. If, before the end of the period of 28 days...
5. Sub-paragraphs (2) and (3) of paragraph 3 of Schedule 1...
6. An objection shall not be made to the Appeals Commission...
7. After the expiry of the period of 28 days referred...
8. If the Departments adopt a water management programme under Article...
9. In this Schedule “designated watercourse” and “watercourse” have the meanings...

SCHEDULE 7 — AMENDMENTS

*The Fisheries Act (Northern Ireland) 1966 (c. 17 (N.I.))*

*The Drainage (Northern Ireland) Order 1973 (NI 1)*

*The Water and Sewerage Services (Northern Ireland) Order 1973 (NI 2)*

*The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)*

*The Electricity (Northern Ireland) Order 1992 (NI 1)*

*The Radioactive Substances Act 1993 (c. 12)*

*The Gas (Northern Ireland) Order 1996 (NI 2)*

*The Industrial Pollution Control (Northern Ireland) Order 1997 (NI 18)*

*The Waste and Contaminated Land (Northern Ireland) Order 1997 (NI 19)*

SCHEDULE 8 — REPEALS

PART I — REPEALS COMING INTO OPERATION IN ACCORDANCE WITH ARTICLE 1(3) AND (4)

PART II — REPEALS COMING INTO OPERATION ON A DAY APPOINTED BY THE DEPARTMENT OF THE ENVIRONMENT

Explanatory Note