
STATUTORY INSTRUMENTS

1999 No. 662

The Water (Northern Ireland) Order 1999

PART III

**POWERS OF DEPARTMENT OF AGRICULTURE
IN RELATION TO WATERWAYS**

Introductory

Application and interpretation of Part III

39.—(1) This Part does not apply to a reservoir or the sea.

(2) In this Part—

“canal scheme” means a scheme prepared under Article 42(1);

“the Department” means the Department of Agriculture;

“premises” includes any land, vehicle or vessel;

“regulations” means regulations made by the Department;

“specified canal” has the meaning assigned to it by Article 42(5).

Matters to be taken into account in exercising certain functions

40.—(1) The Department shall, in exercising its functions under this Part, have regard to—

(a) the conservation of water resources;

(b) the prevention of pollution;

(c) the needs of the community with respect to water and the disposal of effluent;

(d) the conservation and enhancement of the natural beauty and amenity of waterways and of land associated with waterways;

(e) the conservation and enhancement of flora and fauna;

[^{F1}(ea) the duties imposed under Parts III to VI of the Water and Sewerage Services (Northern Ireland) Order 2006 on any relevant undertaker (within the meaning of that Order) which is likely to be affected by the exercise of the function in question;]

(f) the conservation of geological or physiographical features of special interest and any feature of archaeological, historical, architectural or traditional interest.

(2) The Department shall, in exercising its functions under any statutory provision relating to drainage, have regard to the matters set out in sub-paragraphs (a) to (f) of paragraph (1).

(3) In Article 11(2)(d) of, and paragraph 5(2) of Schedule 7 to, the Drainage Order for “section 2(2) of the Water Act (Northern Ireland) 1972” there shall be substituted “Article 40(2) of the Water (Northern Ireland) Order 1999”.

Status: Point in time view as at 01/04/2007.

Changes to legislation: There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, Cross Heading: Introductory. (See end of Document for details)

F1 Art. 40(1)(ea) inserted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), **289** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with art. 3, Sch. 2)

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