
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART V

USE OF WATER

CHAPTER I

DROUGHT

Drought orders

Provisions of drought order with respect to abstraction and discharges

140.—(1) Any drought order which—

- (a) authorises the taking of water from a source from which water is supplied to an inland navigation; or
- (b) suspends or modifies—
 - (i) a restriction as respects the taking of water from a source from which water is supplied to an inland navigation; or
 - (ii) an obligation to discharge compensation water into a canal or into any river or stream which forms part of, or from which water is supplied to, an inland navigation, may include provision for prohibiting or imposing limitations on the taking of water from the inland navigation or for the suspension or modification of any obligation to which a navigation authority is subject as respects the discharge of water from the inland navigation.

(2) A prohibition or limitation by or under a drought order on the taking of water from any source may be imposed so as to have effect in relation to a source from which a person to whom the prohibition or limitation applies has a right to take water whether by virtue of a statutory provision, an agreement or the ownership of land.

(3) Where a drought order made on the application of a water undertaker confers power on DOE—

- (a) to prohibit or limit the taking of water from any source; or
- (b) to suspend or vary, or attach conditions to, any consent for the discharge of any effluent,

DOE shall exercise that power in such manner as will ensure, so far as reasonably practicable, that the supplies of water available to the water undertaker are not seriously affected.

(4) Where—

- (a) any drought order confers power on DOE to suspend or vary, or attach conditions to, any consent for the discharge of any effluent; and

(b) DOE exercises that power so as to restrict the discharge of effluent by a sewerage undertaker,

the sewerage undertaker may so modify any consents or agreements relating to the discharge by other persons of trade effluent as to enable it to comply with any requirements or conditions imposed on it by or under the order with respect to discharges from sewers or works of the undertaker.

(5) In this Article—

“compensation water” means water which a water undertaker or any other person is under an obligation to discharge—

- (a) in accordance with the provisions of a licence under Article 20 of the 1999 Order into any watercourse or underground strata; or
- (b) under any local statutory provision, into any river, stream or other running water or into a canal; and

“inland navigation” includes any canal or navigable river.