
STATUTORY INSTRUMENTS

2006 No. 3336

**The Water and Sewerage Services
(Northern Ireland) Order 2006**

PART XII

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

Directions for preserving services or mitigating effects of emergency

295.—(1) The Department may, after consultation with a relevant undertaker, give to that undertaker such directions of a general character as appear to the Department to be requisite or expedient for the purpose of—

- (a) preserving the security of buildings, installations, pipes or apparatus used for, or for purposes connected with, the provision of a water supply or sewerage services; or
- (b) preventing, or reducing, controlling or mitigating the effects of, any civil emergency which may occur.

(2) If it appears to the Department to be requisite or expedient to do so for any purpose mentioned in paragraph (1), it may, after consultation with a relevant undertaker, give to that undertaker a direction requiring it to do, or not to do, a particular thing specified in the direction.

(3) It shall be the duty of a relevant undertaker, notwithstanding any other duty imposed on it (whether or not by or under this Order), to comply with any direction given to it under this Article; and the duty of a relevant undertaker to comply with any such direction shall be enforceable under Article 30 by the Department.

(4) The Department may, after consultation with the Council, give to the Council such directions of a general character as to the exercise of its functions under this Order as appear to the Department to be requisite or expedient for any purpose mentioned in paragraph (1).

(5) If it appears to the Department to be requisite or expedient to do so for any purpose mentioned in paragraph (1), it may, after consultation with the Council, give to the Council a direction requiring it in the exercise of its functions under this Order to do, or not to do, a particular thing specified in the direction.

(6) The Council shall comply with any direction given to it under this Article.

(7) The Department shall lay before the Assembly a copy of every direction given under this Article unless the Secretary of State has notified it that he is of the opinion that disclosure of the direction is against the interests of national security.

(8) A person shall not disclose, or be required by virtue of any statutory provision or otherwise to disclose, anything done by virtue of this Article if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that thing is against the interests of national security.

(9) Any person who discloses any matter in contravention of paragraph (8) shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(10) In this Article “civil emergency” means any event or situation which, in the opinion of the Department, causes or is likely to cause, in relation to any area—

(a) such—

(i) disruption of water supplies or sewerage services;

(ii) loss of life, injury or illness; or

(iii) serious damage to property;

as seriously and adversely to affect all the inhabitants of that area, or a substantial number of them, (whether by depriving them of any of the essentials of life or otherwise); or

(b) serious harm to the environment (including the life or health of plants or animals in that area).