

WATER AND SEWERAGE SERVICES (NORTHERN IRELAND) ORDER 2006

S.I. 2006 3336

EXPLANATORY MEMORANDUM

OVERVIEW OF THE ORDER

Part Xi - Amendments to the Water Order

Supplementary Transitional Provisions

147. One of water reform's policy objectives is to introduce the water and sewerage undertaker in Northern Ireland to the normal, environmental regulatory regime, provided by the 1999 Order, as quickly as possible. The practical effect of these enforcement provisions will be considerably increased in respect of any offences committed by the limited liability company, which will become the first licensed water and sewerage undertaker in Northern Ireland upon the Transfer Date (1 April 2007). This GoCo, and in certain circumstances, any director, manager and officer will be liable to prosecution. However, it is not considered reasonable that GoCo should assume the full risks of prosecution immediately in respect of pollution offences arising as a result of the poor condition of the inherited infrastructure. Thus, a limited and time-bound due diligence defence against prosecution will be provided to the GoCo and its directors, managers and officers in respect of water pollution offences attributable solely to the dilapidation of the waste water infrastructure inherited on 1 April 2007. It will expire on 31 December 2008 when an extensive waste water treatment building programme is due to be completed. As a transitional issue this will be dealt with under regulations made by Department under Article 306 of the Order.