

WATER AND SEWERAGE SERVICES (NORTHERN IRELAND) ORDER 2006

S.I. 2006 3336

EXPLANATORY MEMORANDUM

OVERVIEW OF THE ORDER

Part VIII - Undertakers Powers and Works

Chapter III – Supplementary Provisions with respect to Undertaker’s Powers (Article 241-252)

122. [Articles 241](#) sets out that pipes laid and wastewater treatment works constructed by the undertaker will vest in the undertaker unless otherwise agreed between the undertaker and the person with an interest in the pipe or wastewater treatment works. Water mains / service pipes and sewers / lateral drains / wastewater treatment works which are the subject of a declaration made under Chapter II of part IV of the Order also vest in the undertaker.
123. The undertaker’s works powers set out in the Order do not confer upon it power to carry out any works which directly or indirectly interfere with the works or property of another undertaking (airports, for example) protected by Schedule 10 to the Order without the consent of those undertakings. Schedule 10, paragraph 1(4) lists those undertakings protected in this manner. Certain undertakers, as set out in Article 246, may after giving suitable notice and on substituting an equivalent, alter the position of the undertaker’s sewers, drains, culverts or other pipes.
124. Equivalent provisions providing protection for the water and sewerage undertaker’s apparatus are set out in the legislation covering other undertakers.
125. Any complaints arising in the course of the undertaker fulfilling its functions under Article 220 or 222(2) (exercise of works powers on private land) are to be investigated by the Authority or the Consumer Council, as set out in Article 243. The undertaker is required to provide information and pay fines as the Authority requires.
126. The undertaker, as soon as possible after its appointment, is required to provide a code of practice on the exercise of its powers to carry out work on private land. Article 244 empowers the Department to approve the code of practice initially and subsequently to modify or withdraw approval.
127. The undertaker is obliged to carry out its works in a manner which will cause as little damage, detriment and inconvenience as possible and is required to make good or pay compensation for damage caused by it in pursuance of its functions under this Part. Guidelines for assessing compensation and rights of appeal are set out in Article 242.
128. In certain circumstances the undertaker may be obliged to alter or remove its pipes or apparatus within particular land where a notice has been served on it by any person having an estate in that land or in adjacent land. The undertaker may recover from

*This Explanatory Memorandum refers to the Water and
Sewerage Services (Northern Ireland) Order 20063336*

the person serving the notice, any expenses incurred in the fulfilment of its obligation (Article 247).

129. The undertaker is entitled to remove and sell any materials taken from any premises when carrying out works or otherwise in pursuit of its functions under the Order which are not claimed by the owner before the end of 3 days after their removal. The undertaker must pay the proceeds of such sales to the owner after discounting the expenses incurred in the process. The undertaker is also entitled to all sewage discharged into its sewers and may process, sell or otherwise dispose of such sewage.