
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VI **N.I.**

SEWERAGE SERVICES

CHAPTER II **N.I.**

PROVISION OF SEWERAGE SERVICES

Requisition of public sewer or lateral drain

Duty to comply with sewer and lateral drain requisition **N.I.**

154.—(1) It shall be the duty of a sewerage undertaker (in accordance with Article 156) to provide a public sewer to be used for the drainage for domestic purposes of premises in a particular locality in its area if—

- (a) the undertaker is required to provide the sewer by a notice served on the undertaker by the owner or occupier of any premises in that locality;
- (b) the premises in that locality the drainage of which would be by means of that sewer are—
 - (i) premises on which there are buildings; or
 - (ii) premises on which there will be buildings when proposals made by any person for the erection of any buildings are carried out; and
- (c) the conditions specified in Article 155 are satisfied in relation to that requirement.

(2) It shall be the duty of a sewerage undertaker (in accordance with Article 156) to provide a lateral drain to communicate with a public sewer and to be used for the drainage for domestic purposes of premises in its area if—

- (a) the undertaker is required to provide the lateral drain by a notice served on the undertaker by the owner or occupier of premises the drainage of which would be by means of that lateral drain;
- (b) the premises the drainage of which would be by means of that lateral drain are—
 - (i) premises on which there are buildings; or
 - (ii) premises on which there will be buildings when proposals made by any person for the erection of any buildings are carried out; and
- (c) the conditions specified in Article 155 are satisfied in relation to that requirement.

(3) The duty of a sewerage undertaker under this Article to provide a public sewer or a lateral drain shall be owed to the person who requires the provision of the sewer or lateral drain or, as the case may be, to each of the persons who joins in doing so.

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, Cross Heading: Requisition of public sewer or lateral drain is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Where a duty is owed by virtue of paragraph (3) to any person, any breach of that duty which causes that person to sustain loss or damage shall be actionable at the suit of that person; but, in any proceedings brought against a sewerage undertaker in pursuance of this paragraph, it shall be a defence for the undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the breach.

(5) In this Article the reference to domestic purposes, in relation to the drainage of premises to which a requirement under this Article relates, is a reference—

- (a) where there are buildings on those premises, to such domestic sewerage purposes as are specified in relation to those buildings in the requirement; and
- (b) where any person is proposing to erect buildings on those premises, to such domestic sewerage purposes as are so specified in relation to the buildings and to times after the erection of the buildings.

Commencement Information

- II** [Art. 154](#) wholly in operation at 1.4.2007, see [art. 1\(2\)](#) and [S.R. 2007/194](#), [art. 2\(2\)](#), [Sch. 1 Pt. II](#) (subject to [art. 3](#), [Sch. 2](#))

Financial conditions of compliance **N.I.**

155.—(1) The conditions mentioned in Article 154(1)(c) and (2)(c) are satisfied in relation to a requirement for the provision of a public sewer or, as the case may be, lateral drain by a sewerage undertaker if—

- (a) such undertakings as the undertaker may have reasonably required in accordance with paragraph (2) have been given by the person or persons who have required the provision of the sewer or lateral drain; and
- (b) such security as the undertaker may have reasonably required has been provided for the discharge of any obligations imposed by those undertakings on any person who, under paragraph (3), may be required to secure his undertakings.

(2) The undertakings which a sewerage undertaker may require for the purposes of paragraph (1) in respect of any public sewer or lateral drain are undertakings which—

- (a) bind the person or persons mentioned in that paragraph to pay to the undertaker the reasonable costs of providing that sewer or lateral drain, as determined in accordance with the undertaker's charges scheme; and
- (b) in the case of undertakings binding two or more persons, bind them either jointly and severally or with liability to pay apportioned in such manner as they may agree.

(3) For the purposes of paragraph (1)(b) a person may be required to secure his undertakings in relation to the provision of a public sewer or, as the case may be, lateral drain if he is not a public authority.

(4) Where for the purposes of paragraph (1)(b) any sums have been deposited with a sewerage undertaker by way of security for the discharge of any obligation, the undertaker shall pay interest at such rate as may be determined either—

- (a) by the undertaker with the approval of the Authority; or
- (b) in default of a determination under sub-paragraph (a), by the Authority,

on every sum so deposited for every three months during which it remains in the hands of the undertaker.

- (5) An approval or determination given or made by the Authority for the purposes of paragraph (4)
- (a) may be given or made in relation to the provision of a particular public sewer or lateral drain, in relation to the provision of public sewers or lateral drains of a particular description or in relation to the provision of public sewers or lateral drains generally; and
- (b) may be revoked at any time.
- (6) Any dispute between a sewerage undertaker and any other person as to—
- (a) the undertakings or security required by the undertaker for the purposes of this Article; or
- (b) the amount required to be paid in pursuance of any such undertaking,
- may be referred to the Authority for determination under Article 61 by either party to the dispute.

Commencement Information

- I2** [Art. 155](#) wholly in operation at 1.4.2007, see [art. 1\(2\)](#) and [S.R. 2007/194](#), [art. 2\(2\)](#), [Sch. 1 Pt. II](#) (subject to [art. 3](#), [Sch. 2](#))

Determination of completion date and route for requisitioned sewer or lateral drain **N.I.**

- 156.**—(1) A sewerage undertaker shall not be in breach of a duty imposed by Article 154 in relation to any locality or (in the case of a lateral drain) in relation to any premises unless—
- (a) the period of 6 months beginning with the relevant day has expired; and
- (b) the sewerage undertaker has not, before the end of that period, so laid (as the case may be)—
- (i) the public sewer to be provided as to enable drains and private sewers to be used for the drainage of premises in the locality to communicate with the public sewer; or
- (ii) the lateral drain to be provided as to enable the drain to be used for the drainage of premises to communicate with a public sewer vested in that undertaker,
- at the place or places determined under paragraph (3).
- (2) The period mentioned in paragraph (1)(a) may be extended—
- (a) by agreement between the undertaker and the person or persons who required the provision of the public sewer or, as the case may be, lateral drain; or
- (b) where there is a dispute as to whether the period should be extended, by the Authority on a reference under paragraph (4).
- (3) The places mentioned in paragraph (1)(b) shall be—
- (a) such place or places as are determined by agreement between the sewerage undertaker and the person or persons who required the provision of the public sewer or, as the case may be, lateral drain; or
- (b) in default of agreement, such place or places as are determined by the Authority on a reference under paragraph (4) to be the place or places at which it is reasonable, in all the circumstances—
- (i) in relation to the provision of a public sewer, for drains or private sewers to be used for the drainage of premises in the locality in question to communicate with the public sewer; or
- (ii) in relation to the provision of a lateral drain, for the lateral drain to communicate with a public sewer vested in the undertaker and for the remainder of the drain of which the lateral drain forms part to connect with the lateral drain.

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(4) A reference for the purposes of paragraph (2) or (3) may be made to the Authority for determination under Article 61 by either party to the dispute.

(5) In this Article “relevant day”, in relation to a requirement to provide a public sewer for any locality or, as the case may be, a lateral drain, means the day after whichever is the later of the following—

- (a) the day on which the conditions specified in Article 155 are satisfied in relation to the requirement; and
- (b) the day on which the place or places where (as the case may be)—
 - (i) drains or private sewers to be used for the drainage of premises in that locality will communicate with the public sewer; or
 - (ii) the lateral drain will communicate with a public sewer and the remainder of the drain will connect with the lateral drain,are determined under paragraph (3).

Commencement Information

I3 [Art. 156](#) wholly in operation at 1.4.2007, see [art. 1\(2\)](#) and [S.R. 2007/194](#), [art. 2\(2\)](#), [Sch. 1 Pt. II](#) (subject to [art. 3](#), [Sch. 2](#))

Changes to legislation:

The Water and Sewerage Services (Northern Ireland) Order 2006, Cross Heading: Requisition of public sewer or lateral drain is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 293(10A) inserted by [2015 c. 8 \(N.I.\) Sch. 3 para. 2\(b\)](#)