
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VI

SEWERAGE SERVICES

CHAPTER II

PROVISION OF SEWERAGE SERVICES

Use of pipes for sewerage purposes

Use of road drains as sewers and vice versa

172.—(1) Subject to the provisions of this Article, the Department and a sewerage undertaker may agree that—

- (a) any drain or sewer which is vested in the Department for the purposes of its functions under the [Roads \(Northern Ireland\) Order 1993 \(NI 15\)](#) may, upon such terms as may be agreed, be used by the undertaker for the purpose of conveying surface water from premises or roads;
- (b) any public sewer vested in the undertaker may, upon such terms as may be agreed, be used by the Department for conveying surface water from roads.

(2) Where a sewer or drain with respect to which the Department and a sewerage undertaker propose to make an agreement under this Article discharges, whether directly or indirectly, into the sewers or waste water treatment works of another sewerage undertaker, the agreement shall not be made without the consent of that other undertaker.

(3) Subject to paragraph (4), a consent given by a sewerage undertaker for the purposes of paragraph (2) may be given on such terms as that undertaker thinks fit.

(4) Neither the Department nor a sewerage undertaker shall—

- (a) unreasonably refuse to enter into an agreement for the purposes of this Article; or
- (b) insist unreasonably upon terms unacceptable to the other party;

and a sewerage undertaker shall not unreasonably refuse to consent to the making of such an agreement or insist unreasonably upon terms unacceptable to either party.

(5) Any question arising under this Article as to whether or not the Department or any sewerage undertaker is acting unreasonably may be referred by either party to the Appeals Commission.

(6) Nothing in this Article affects the powers of the Department under Article 45 of the [Roads \(Northern Ireland\) Order 1993 \(NI 15\)](#) (road drains).

Power to close or restrict use of public sewer

173.—(1) Subject to paragraph (3), a sewerage undertaker may discontinue and prohibit the use of any public sewer which is vested in the undertaker.

(2) A discontinuance or prohibition under this Article may be for all purposes, for the purpose of foul water drainage or for the purpose of surface water drainage.

(3) Before any person who is lawfully using a sewer for any purpose is deprived under this Article by a sewerage undertaker of the use of the sewer for that purpose, the undertaker shall—

- (a) provide a sewer which is equally effective for his use for that purpose; and
- (b) at the undertaker's own expense, carry out any work necessary to make that person's drains or sewers communicate with the sewer provided in pursuance of this paragraph.

(4) Any dispute arising under paragraph (3)(a) between a sewerage undertaker and any other person as to the effectiveness of any sewer provided by the undertaker for that person's use may be referred to the Authority for determination under Article 61 by either party to the dispute.