

SCHEDULES

SCHEDULE 12

Article 308

AMENDMENTS

The Public Health (Ireland) Act 1878 (c. 52)

1.—(1) In section 2 for the definition of “sewer” substitute—
““sewer” has the same meaning as in the Water and Sewerage Services (Northern Ireland) Order 2006;”.

(2) In section 25 for the words from “emptying into” to “to use” substitute “connecting with any sewer, with which the owner or occupier has a right to have his drains communicate”.

(3) In section 27 for the words from “empty into some sewer” to “to use”, substitute “connect with a sewer, with which the person constructing the drain has a right to have his drains communicate”.

Annotations:

Commencement Information

- I1** Sch. 12 para. 1 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)

The Water Supplies and Sewerage Act (Northern Ireland) 1945 (c. 17)

2.—(1) In section 4(1)(a) for “the Ministry of Development” substituted “any water undertaker”.

(2) In section 4(1) for “by the Ministry” substitute “by the Water Appeals Commission”.

(3) In section 4 at the end add—

“(4) Article 107(1) of the Water and Sewerage Services (Northern Ireland) Order 2006 (standards of wholesomeness of water) and any regulations made under that paragraph shall apply for the purposes of this section as they apply for the purposes of Chapter III of Part IV of that Order.”.

Annotations:

Commencement Information

- I2** Sch. 12 para. 2 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)

The Requisitioned Land and War Works Act 1948 (c. 17)

3. The undertaking of a relevant undertaker shall be deemed to be a statutory undertaking for the purposes of the Requisitioned Land and War Works Act 1948.

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 March 2018. 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)*

Annotations:

Commencement Information

- I3** Sch. 12 para. 3 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)

The Interpretation Act (Northern Ireland) 1954 (c. 33)

4. In section 46(1) at the appropriate places in alphabetical order insert—
- ““sewerage undertaker” shall be construed in accordance with Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006;”
- ““water undertaker” shall be construed in accordance with Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006;”.

Annotations:

Commencement Information

- I4** Sch. 12 para. 4 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)

The Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (c. 15)

5. In section 2(1)(a) at the end add “ and every water undertaker ”.

Annotations:

Commencement Information

- I5** Sch. 12 para. 5 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)

The Nuclear Installations Act 1965 (c. 57)

6. In section 27(1)(c), in the substituted paragraph (ca), after “Northern Ireland” insert “ and any water undertaker “(within the meaning of the Water and Sewerage Services) (Northern Ireland) Order 2006) ”.

Annotations:

Commencement Information

- I6** Sch. 12 para. 6 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)

The Fisheries Act (Northern Ireland) 1966 (c. 17)

7. In section 11A(5) for “Article 9(1)” substitute “ Article 7A(3)(a) ”.

Annotations:

Commencement Information

- I7** Sch. 12 para. 7 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)

The Mineral Development Act (Northern Ireland) 1969 (c. 35)

8.—(1) For the purposes of section 40, where pipes in any land are vested in a water or sewerage undertaker, the undertaker shall be deemed to have an estate in the land.

(2) In section 57, in the definition of “public body”, at the end add the words “ and includes a water or sewerage undertaker ”.

(3) In Schedule 2, in paragraph 1(4), in the definition of “water authority” for the words from “any local” to the end substitute “ a water undertaker ”.

Annotations:

Commencement Information

- I8** Sch. 12 para. 8 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)

The Land Registration Act (Northern Ireland) 1970 (c. 18)

9. In Schedule 11 for paragraph 28 substitute—

“**28.** Any of the following matters under the Water and Sewerage Services (Northern Ireland) Order 2006—

- (a) a requirement of a private supply notice to which Article 121(5) applies;
- (b) a covenant under Article 217(6);
- (c) an agreement under Article 225.”

Annotations:

Commencement Information

- I9** Sch. 12 para. 9 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)

The Drainage (Northern Ireland) Order 1973 (NI 1)

10.—(1) In Article 2(2), in the definition of “the Commission”, for the words from “established” to the end substitute “ for Northern Ireland ”.

(2) In Article 2(2), in the definition of “watercourse”—

- (a) after “any drain or sewer” insert “ vested in a sewerage undertaker ”; and
- (b) for “under the control of the Ministry of Development” substitute “ vested in a water undertaker ”.

(3) After Article 40 insert—

Changes to legislation: The Water and Sewerage Services (Northern Ireland) Order 2006, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 March 2018. 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)

“Protection for water and sewerage undertakers

40A.—(1) Nothing in this Order shall confer power on any person, except with the consent of a water or sewerage undertaker, to do anything which, whether directly or indirectly, so interferes or will so interfere—

- (a) with works or property vested in or under the control of that undertaker; or
- (b) with the use of any such works or property,

as to affect injuriously those works or that property or the carrying out of the functions of that undertaker.

(2) A consent for the purposes of sub-paragraph (1) may be given subject to reasonable conditions but shall not be unreasonably withheld.

(3) Any dispute—

- (a) as to whether anything done or proposed to be done interferes or will interfere as mentioned in sub-paragraph (1);
- (b) as to whether any consent for the purposes of this paragraph is being unreasonably withheld; or
- (c) as to whether any condition subject to which any such consent has been given was reasonable,

may be referred by either party to the dispute to the Commission.”.

(4) In Schedule 5 in paragraph 12 for “the Ministry of Development” substitute “ a sewerage undertaker ”.

Annotations:

Commencement Information

I10 Sch. 12 para. 10 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)

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

11.—(1) In Part II of Schedule 1, in the entry relating to the Northern Ireland Authority for Energy Regulation, for “Energy” substitute “ Utility ”.

(2) In Part III of Schedule 1 at the appropriate place in alphabetical order insert—

“Director of a company appointed as a water or sewerage undertaker under the Water and Sewerage Services (Northern Ireland) Order 2006, being a director nominated or appointed by a Northern Ireland department or by a person acting on behalf of a Northern Ireland department”.

Annotations:

Commencement Information

I11 Sch. 12 para. 11 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)

The Rates (Northern Ireland) Order 1977 (NI 28)

^{F1}**12.**

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 March 2018. 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)*

Annotations:

Amendments (Textual)

- F1** Sch. 12 para. 12 repealed (1.4.2015) by Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), s. 19(1), Sch. 2; S.R. 2014/306, art. 2, Sch.

Commencement Information

- I12** Sch. 12 para. 12 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)

The Health and Safety at Work (Northern Ireland) Order 1978 (NI 9)

13.—(1) In Article 30(3)(c) at the end add—

“(iii) an officer of a water undertaker or sewerage undertaker who is authorised by that undertaker to receive it;”.

(2) In Article 30(5) at the end add—

“(d) in the case of information given to an officer of a water undertaker or sewerage undertaker, the purposes of the undertaker in connection with the relevant statutory provisions or any statutory provision relating to public health, public safety or the protection of the environment.”.

Annotations:

Commencement Information

- I13** Sch. 12 para. 13 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)

The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)

14.—(1) In Article 42(2)(a) for the words “or the Water and Sewerage Services (Northern Ireland) Order 1973” substitute “ by a water undertaker or a sewerage undertaker in the exercise of any of its functions ”.

(2) In Article 53(1)—

(a) in the definition of “statutory undertakers” after “electricity” insert “ ,water ”;

(b) in the definition of “work of engineering construction”, for “sewage works” substitute “ waste water treatment works ”.

Annotations:

Commencement Information

- I14** Sch. 12 para. 14 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)

The Statutory Rules (Northern Ireland) Order 1979 (NI 12)

15. In Part I of Schedule 1, in the entry relating to the Northern Ireland Authority for Energy Regulation, for “Energy” substitute “ Utility ”.

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 March 2018. 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)*

Annotations:

Commencement Information

I15 Sch. 12 para. 15 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)

The Housing (Northern Ireland) Order 1981 (NI 3)

16. In Article 88E(2)(b) for “or electricity” substitute “electricity, water or sewerage”.

Annotations:

Commencement Information

I16 Sch. 12 para. 16 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)

The Judgments Enforcement (Northern Ireland) Order 1981 (NI 6)

17.—(1) In Article 2(2), in the definition of “company”, at the end of paragraph (a) add “ or which would be so capable but for Article 43 of the Water and Sewerage Services (Northern Ireland) Order 2006 ”.

(2) In Article 14(3)(b) at the end add

“or

(“ an application will be made to the court for a special administration order under Article 42 of the Water and Sewerage Services (Northern Ireland) Order 2006.”.

Annotations:

Commencement Information

I17 Sch. 12 para. 17 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)

The Civil Aviation Act 1982 (c. 16)

18.—(1) For the purposes of the Civil Aviation Act 1982, a relevant undertaker shall be deemed to be a statutory undertaker and its undertaking shall be deemed to be a statutory undertaking.

(2) In section 48(7)(c) at the end add “ or, in Northern Ireland, a water or sewerage undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006) ”.

Annotations:

Commencement Information

I18 Sch. 12 para. 18 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)

The Telecommunications Act 1984 (c. 12)

19.—(1) In section 98(9)—

(a) in paragraph (c) of the definition of “public sewer” for “1973” substitute “2006”;

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- (b) in paragraph (c) of the definition of “water authority” for “Department of the Environment for Northern Ireland” substitute “ a water undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006) ”;
 - (c) in paragraph (c) of the definition of “water main” for “a main” substitute “ a water main or resource main ” and for “1973” substitute “ 2006 ”.
- (2) In section 101(3) at the end add—
- “(s) the Energy (Northern Ireland Order 2003);
 - (t) the Water and Sewerage Services (Northern Ireland) Order 2006.”.

Annotations:

Commencement Information

- I19** Sch. 12 para. 19 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)

The General Consumer Council (Northern Ireland) Order 1984 (NI 12)

20. In Schedule 1, in paragraph 10(8) after “consultation with” insert “ the Department for Regional Development and ”.

Annotations:

Commencement Information

- I20** Sch. 12 para. 20 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)

The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (NI 1)

21.—(1) A water undertaker or sewerage undertaker shall be deemed to be a public authority for the purposes of Articles 19(5) and 30(5).

- (2) In Article 20(6), in the definition of “relevant body”, at the end add—
- “(g) a water undertaker or a sewerage undertaker”.

Annotations:

Commencement Information

- I21** Sch. 12 para. 21 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)

The Wildlife (Northern Ireland) Order 1985 (NI 2)

22. In Article 3(1), in the definition of “authorised person” after paragraph (b) insert—

- “(c) any person authorised in writing by a water undertaker;”.

Annotations:

Commencement Information

- I22** Sch. 12 para. 22 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, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 March 2018. 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)*

The Airports Act 1986 (c. 31)

23. In section 74(3) at the end add—

“(t) the Water and Sewerage Services (Northern Ireland) Order 2006.”.

Annotations:

Commencement Information

I23 Sch. 12 para. 23 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)

The Companies (Northern Ireland) Order 1986 (NI 6)

24. In Articles 418(5)(a) and 453(2) after “under this Order” insert “ or which would be so liable but for Article 43 of the Water and Sewerage Services (Northern Ireland) Order 2006 ”.

Annotations:

Commencement Information

I24 Sch. 12 para. 24 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)

The Business Names (Northern Ireland) Order 1986 (NI 7)

25. In Article 3(1)(c) after “Order 1986” insert “ (or which would be so liable but for Article 43 of the Water and Sewerage Services (Northern Ireland) Order 2006) ”.

Annotations:

Commencement Information

I25 Sch. 12 para. 25 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)

The Consumer Protection (Northern Ireland) Order 1987 (NI 20)

26. In Article 29(3) at the end add—

“(p) the Water and Sewerage Services (Northern Ireland) Order 2006”.

Annotations:

Commencement Information

I26 Sch. 12 para. 26 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)

The Insolvency (Northern Ireland) Order 1989 (NI19)

27.—(1) In Article 197(3) for sub-paragraph (b) substitute—

“(b) a supply of water or sewerage services by a water or sewerage undertaker;”.

(2) In Article 343(4) for sub-paragraph (b) substitute—

“(b) a supply of water or sewerage services by a water or sewerage undertaker;”.

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Annotations:

Commencement Information

I27 Sch. 12 para. 27 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)

The Food Safety (Northern Ireland) Order 1991 (NI 7)

28. In Article 50(1) for the words from “the Department of the Environment” to the end substitute “a water undertaker or by means of a private supply within the meaning of Part IV of the Water and Sewerage Services (Northern Ireland) Order 2006”.

Annotations:

Commencement Information

I28 Sch. 12 para. 28 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)

The Planning (Northern Ireland) Order 1991 (NI 11)

29.—(1) In Article 2(2), at the end of the definition of “statutory undertaker” add “ or a water undertaker or sewerage undertaker ”.

^{F2}(2)

(3)

(4) In Article 103(2) for “or electricity” substitute “ electricity, water or sewerage ”.

Annotations:

Amendments (Textual)

F2 Sch. 12 para. 29(2) (3) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, Sch. 1 (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Commencement Information

I29 Sch. 12 para. 29 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)

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

30.—(1) In section 103B (2A) after paragraph (h) insert—

“(hh) any water undertaker or sewerage undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006);”.

(2) In section 103(2D) after paragraph (b) insert—

“(bb) any water undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006);”

(3) In section 103B(7) in the definition of “residential premises” after “gas” insert “ , water ”.

Changes to legislation: The Water and Sewerage Services (Northern Ireland) Order 2006, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 March 2018. 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)

Annotations:

Commencement Information

I30 Sch. 12 para. 30 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)

The Electricity (Northern Ireland) Order 1992 (NI 1)

31.—(1) In Schedule 4—

(a) in paragraph 1(1) in the definition of “sewer” for “1973” substitute “ 2006 ”;

(b) in paragraph 3(1) after head (b) insert—

“(bb) any relevant pipe (within the meaning of Article 219 of the Water and Sewerage Services (Northern Ireland) Order 2006) which is under the control of a water undertaker or a sewerage undertaker”;

(c) in paragraph 3(3)(a) for “or apparatus” substitute “ pipe or apparatus ”;

(d) in paragraph 5(5) for “the Department of the Environment” substitute “ a water undertaker or sewerage undertaker ” and for “Department of the Environment” substitute “ water undertaker or sewerage undertaker ”.

(2) In Schedule 5, in paragraph 10, for the words from “where that Department causes such inquiry” to the end there should be substituted “ consider the report on that inquiry ”.

Annotations:

Commencement Information

I31 Sch. 12 para. 31 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)

The Radioactive Substances Act 1993 (c. 12)

32.—(1) In section 47(1), in paragraph (c) of the definition of “relevant water body”, at the end add “ or a water undertaker or a sewerage undertaker within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006 ”.

(2) In Part III of Schedule 3, in paragraph 22, for “9” substitute “ 7A ”,

(3) In Part III of Schedule 3, for paragraph 23 substitute—

“**23.** Articles 112, 168 and 170(5) and Chapter III of Part VI of the Water and Sewerage Services (Northern Ireland) Order 2006.”.

Annotations:

Commencement Information

I32 Sch. 12 para. 32 wholly in operation at 25.5.2007; Sch. 12 para. 32 not in operation at date of making see art. 1(2); Sch. 12 para. 32 in operation for certain purposes at 1.4.2007 by S.R. 2007/194, art. 2(2), Sch. 1 Pt. II (subject to art. 3, Sch. 2); Sch. 12 para. 32 in operation at 25.5.2007 insofar as not already in operation by S.R. 2007/282, art. 2(2), Sch.

The Roads (Northern Ireland) Order 1993 (NI 15)

33. In Article 2(2), in the definition of “statutory undertaker”, after paragraph (c) add—

“(cc) a water undertaker or a sewerage undertaker;”.

Annotations:

Commencement Information

I33 Sch. 12 para. 33 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)

The Airports (Northern Ireland) Order 1994 (NI 1)

34. In Article 49(3) at the end add—

“(u) the Water and Sewerage Services (Northern Ireland) Order 2006.”.

Annotations:

Commencement Information

I34 Sch. 12 para. 34 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)

The Street Works (Northern Ireland) Order 1995 (NI 19)

35.—(1) In Article 7(5)(a) for “the Department” substitute “ the sewer authority ”.

(2) In Article 9(1) for sub-paragraphs (a) and (b) substitute—

“(a) “sewer” and “public sewer” have the same meanings as in the Water and Sewerage Services (Northern Ireland) Order 2006;

(b) “sewer authority”, in relation to a public sewer, means the sewerage undertaker in which the sewer is vested.”.

(3) In Articles 9(3)(a), 18(3)(a), 48(1) and 49(4)(a) and in paragraph 1(a) of Schedule 1 for “the Department” substitute “ the sewer authority ”.

(4) In Schedule 2 in paragraph 7(3)(b) for the words from “a private” to the end substitute “ not a public sewer ”.

Annotations:

Commencement Information

I35 Sch. 12 para. 35 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)

The Gas (Northern Ireland) Order 1996 (NI 2)

36. In Schedule 3—

(a) in paragraph 1(1) in the definition of sewer for “1973” substitute “ 2006 ”;

(b) in paragraph 3(1) after head (b) insert—

“(bb) any relevant pipe (within the meaning of Article 219 of the Water and Sewerage Services (Northern Ireland) Order 2006) which is under the control of a water undertaker or a sewerage undertaker”;

(c) in paragraph 3(3)(a) after “electrical plant” insert “ , pipe ”.

Changes to legislation: The Water and Sewerage Services (Northern Ireland) Order 2006, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 March 2018. 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)

Annotations:

Commencement Information

I36 Sch. 12 para. 36 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)

The Ombudsman (Northern Ireland) Order 1996 (NI 8)

^{F3}37.

Annotations:

Amendments (Textual)

F3 Sch. 12 para. 37 repealed (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4), s. 64, Sch. 9 (with s. 23, 50(3))

Commencement Information

I37 Sch. 12 para. 37 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)

The Industrial Pollution Control (Northern Ireland) Order 1997(NI 18)

38. In Article 2(11)(c) for “1973” substitute “ 2006 ”.

Annotations:

Commencement Information

I38 Sch. 12 para. 38 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)

Waste and Contaminated Land (Northern Ireland) Order 1997 (NI 19)

39.—(1) In Article 20 for paragraph (6) substitute—

“(6) Articles 220 and 240 of the Water and Sewerages Services (Northern Ireland) Order 2006 shall apply in relation to pipes and associated works provided or to be provided under paragraph (5)(a) as they apply in relation to pipes and associated works for the purpose of Article 220 of that Order but as if for any reference to the relevant undertaker there were substituted a reference to the district council in question.”

(2) In Article 46(1) for “Article 20(6)” substitute “ Article 20(5)(a) ”.

(3) In Article 46 for paragraph (2) substitute—

“(2) Article 236(2), (3), (10) and (13) of the Water and Sewerage Services (Northern Ireland) Order 2006 shall have effect as if references to a sewer included any pipe provided as mentioned in paragraph (1) and references to a sewerage or relevant undertaker were references to a district council.”

(4) In Article 70(4) for the words from “in pursuance of a consent” to the end substitute “in pursuance of—

- (a) a discharge consent under Article 7A of the Water (Northern Ireland) Order 1999; or
- (b) a consent under Chapter III of Part VI of the Water and Sewerage Services (Northern Ireland) Order 2006 (trade effluent)”.

Annotations:

Commencement Information

I39 Sch. 12 para. 39 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)

The Water (Northern Ireland) Order 1999 (NI 6)

- 40.**—(1) In Article 32(12) for “to (9)” substitute “ and (6) ”.
(2) In Schedule 5, in Part I, in paragraph 1 after the entry relating to Article 40 insert—

“Article 40A

Protection of water and sewerage undertakers.”

- (3) In Schedule 5, in Part III, in paragraph 3 after sub-paragraph (e) insert—
“(ea) references to the Drainage Council shall be omitted;”

Annotations:

Commencement Information

I40 Sch. 12 para. 40 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)

The Postal Services Act 2000 (c. 26)

- 41.** In Schedule 7 in paragraph 3(3)(hh), for “1973” substitute “ 2006 ”.

Annotations:

Commencement Information

I41 Sch. 12 para. 41 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)

The Utilities Act 2000 (c. 27)

- 42.** In section 105(6)(l) at the end add “ or the Water and Sewerage Services (Northern Ireland) Order 2006 ”.

Annotations:

Commencement Information

I42 Sch. 12 para. 42 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)

The Freedom of Information Act 2000 (c. 36)

- 43.** In Part VII of Schedule 1 at the appropriate place insert—
“The Northern Ireland Authority for Utility Regulation.”

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Annotations:

Commencement Information

I43 Sch. 12 para. 43 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)

The Capital Allowances Act 2001 (c. 2)

44. In section 274(1), in Table B, in item 4 at the end add “ or the Water and Sewerage Services (Northern Ireland) Order 2006 ”.

Annotations:

Commencement Information

I44 Sch. 12 para. 44 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)

The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)

45. In section 4(1) at the end add—

“(f) a water undertaker or sewerage undertaker or any servant or agent of such an undertaker.”.

Annotations:

Commencement Information

I45 Sch. 12 para. 45 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)

The Enterprise Act 2002 (c. 40)

46.—(1) In section 136(7) at the end add(

“(h) in relation to the Northern Ireland Authority for Utility Regulation, Article 46 of the Electricity (Northern Ireland) Order 1992, Article 23 of the Gas (Northern Ireland) Order 1996 or Article 29 of the Water and Sewerage Services (Northern Ireland) Order 2006.”.

(2) In section 136(8) at the end add “ or the Northern Ireland Authority for Utility Regulation ”.

(3) In section 168(3) at the end add—

“(n) modifying the conditions of a company's appointment under Chapter I of Part III of the Water and Sewerage Services (Northern Ireland) Order 2006.”.

(4) In section 168(4) at the end add—

“(p) in relation to a company's appointment under Chapter I of Part III of the Water and Sewerage Services (Northern Ireland) Order 2006, the duties of the Northern Ireland Authority for Utility Regulation under Article 6 of that Order”.

(5) In section 168(5) for paragraphs (b) and (c) substitute—

“(b) the Northern Ireland Authority for Utility Regulation.”

(6) In Schedule 15, at the end add—

“Water and Sewerage Services (Northern Ireland) Order 2006”.

Annotations:

Commencement Information

- I46** Sch. 12 para. 46 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)

The Company Directors Disqualification (Northern Ireland) Order 2002 (NI 4)

47. In Article 13E(2)(b) for “Energy” substitute “ Utility ”.

Annotations:

Commencement Information

- I47** Sch. 12 para. 47 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)

The Energy (Northern Ireland) Order 2003 (NI 6)

- 48.—(1) In Article 2(2) in the definition of “the Authority” for “Energy” substitute “ Utility ”.

(2) In Article 5(1) for the words from “other than” to the end substitute “ which it plans to undertake during the year in the exercise of its relevant functions (other than projects comprising routine activities in the exercise of those functions ”.

- (3) In Article 5(3) for “functions” substitute “ relevant functions ”.

- (4) In Article 5 after paragraph (3) insert—

“(3A) The forward work programme prepared under this Article may, if the Authority so decides, be combined in a single programme with the forward work programme of the Authority prepared under Article 4 of the Water and Sewerage Services (Northern Ireland) Order 2006: and references in the following provisions of this Article to a forward work programme include references to such a combined programme.”

- (5) At the end of Article 5 add—

“(6) The Authority shall send a copy of any notice given by it under paragraph (4) to the Council and the Department and also (in the case of notice concerning a combined single programme under paragraph (3A)) to the Department for Regional Development.

(7) In this Article and the following provisions of this Order references to the Authority's relevant functions are references to the functions of the Authority under—

- (a) the Electricity Order;
- (b) the Gas Order; and
- (c) this Order.”.

- (6) In Article 6(1)(a) after “year” insert “ in the exercise of its relevant functions ”.

- (7) In Article 6(1)(b) after “the Authority” insert “ in the exercise of its relevant functions ”.

- (8) In Article 6(2)(a) for “functions” substitute “ relevant functions ”.

- (9) In Article 6(2)(b) after “year” insert “ prepared under Article 5 ”.

- (10) In Article 6 after paragraph (4) insert—

“(4A) The annual report prepared under this Article may, if the Authority so decides, be combined in a single report with the annual report of the Authority prepared under Article 5 of the Water and Sewerage Services (Northern Ireland) Order 2006; and references in

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the following provisions of this Article to an annual report include references to such a combined report.”.

(11) In Article 10 after paragraph (3) insert—

“(3A) The forward work programme prepared under this Article may, if the Council so decides, be combined in a single programme with the forward work programme of the Council prepared under Article 46 of the Water and Sewerage Services (Northern Ireland) Order 2006: and references in the following provisions of this Article to a forward work programme include references to such a combined programme.”

(12) In Article 10(6) at the end add “ and also (in the case of a combined single programme under paragraph (3A)) to the Department for Regional Development ”.

(13) In Article 11(1) omit“(in respect of its relevant functions)” and after “securing” insert “ as respects the exercise of their respective relevant functions ”.

(14) In Article 12(4), after “gas” add “ and in relation to water or sewerage services ”.

(15) In Article 14(4), after “electricity” add “ and in relation to water or sewerage services ”.

(16) In Article 24 at the end of paragraph (1) add “ under this Part ”.

(17) In Article 26(1) for “functions” substitute “ relevant functions ”.

(18) In Article 63(6)(c) for “1973 (NI 2)” substitute “ 2006 ”.

Annotations:

Commencement Information

I48 Sch. 12 para. 48 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)

The Fire and Rescue Service (Northern Ireland) Order 2006 (NI 9)

49.—(1) In Article 16(2) for “Article 35(2) of the Water and Sewerage Services (Northern Ireland) Order 1973 (NI 2)” substitute “—

(a) an agreement under Article 16A; and

(b) Article 207 of the Water and Sewerage Services (Northern Ireland) Order 2006,” .

(2) After Article 16 insert—

“Supply of water by water undertakers

16A.—(1) The Board may enter into an agreement with a water undertaker for the purposes of Article 15.

(2) An agreement under paragraph (1) may include terms as to payment to be made to the undertaker, subject to Article 207 of the Water and Sewerage Services (Northern Ireland) Order 2006.

(3) A water undertaker shall enter into any agreement reasonably proposed by the Board under paragraph (1).

(4) An obligation of a water undertaker under an agreement under paragraph (1), or under paragraph (3), is enforceable by the Department for Regional Development under Article 30 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Emergency supply by water undertakers

16B.—(1) If the Board requests a water undertaker to provide a supply and pressure of water for the purposes of extinguishing a fire that is greater than the undertaker would otherwise provide, the undertaker shall take all necessary steps in order to do so.

(2) For the purposes of complying with its obligation under paragraph (1) a water undertaker may shut off the water from the mains and pipes in any area.

(3) No authority or person shall be liable to any penalty or claim arising because of anything done by a water undertaker in complying with its obligation under paragraph (1).

(4) A water undertaker commits an offence if, without reasonable excuse, it fails to take any step which it is obliged to take under paragraph (1).

(5) A water undertaker guilty of an offence under paragraph (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

(3) For Article 17 substitute—

“Fire hydrants

17.—(1) A water undertaker shall cause the location of every fire hydrant provided by it to be clearly indicated by a notice or distinguishing mark.

(2) A water undertaker may place such a notice or mark on a wall or fence adjoining a road or public place.

(3) The expenses incurred by a water undertaker under paragraph (1) in relation to a fire hydrant shall be borne by the Board.

(4) The Department may make regulations providing for uniformity in fire hydrants provided by water undertakers and in notices or marks indicating their location.

(5) An obligation of a water undertaker under paragraph (1), or regulations under paragraph (4), shall be enforceable by the Department for Regional Development under Article 30 of the Water and Sewerage Services (Northern Ireland) Order 2006.

(6) A person commits an offence if he uses a fire hydrant otherwise than—

(a) for the purposes of extinguishing fires; or

(b) for any other purpose specified in Article 15(2); or

(c) for any purpose authorised by the water undertaker or other person to whom the hydrant belongs.

(7) A person commits an offence if he damages or obstructs a fire hydrant, otherwise than in consequence of use for the purposes mentioned in paragraph (6).

(8) A person guilty of an offence under paragraph (6) or (7) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Notice of works affecting water supply and fire hydrants

17A.—(1) A person who proposes to carry out works for the purpose of supplying water shall give at least 6 weeks' notice in writing to the Board.

(2) A person who proposes to carry out works affecting a fire hydrant shall give at least 7 days' notice in writing to the Board.

(3) If it is not practicable for a person to give notice as required by paragraph (1) or (2), he shall be regarded as having given the notice required by that paragraph if he gives it as soon as practicable.

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(4) A person commits an offence if, without reasonable excuse, he fails to give notice as required by paragraph (1) or (2).

(5) A person guilty of an offence under paragraph (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

Annotations:

Commencement Information

I49 Sch. 12 para. 49 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, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 March 2018. 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.

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\(b\)](#)