

SCHEDULES

SCHEDULE 9

ORDERS CONFERRING COMPULSORY WORKS POWERS

Notice after making of order

5.—(1) As soon as practicable after a compulsory works order has been made, the undertaker on whose application it is made shall—

- (a) publish a notice of the making of the order, at least once in each of two successive weeks, in at least two newspapers circulating in each relevant locality; and
- (b) not later than the date on which that notice is first published serve a copy of the notice on every person on whom that undertaker was, by virtue of paragraph 1(1)(c), required to serve a copy of the notice with respect to the application for the order.

(2) The notice required by virtue of sub-paragraph (1)(a) to be published with respect to a compulsory works order shall—

- (a) state the general effect of the order;
- (b) in the case of an order made wholly or partly for the purpose of enabling any discharges of water to be made—
 - (i) contain particulars of the discharges, stating the purposes of the discharges and specifying each place of discharge;
 - (ii) specify the places at which the water to be comprised in the discharges is to be taken and the treatment (if any) which the order requires the water, or any of it, to receive before being discharged under the order; and
 - (iii) state the effect which, in the opinion of the applicant undertaker, the discharges would have on the flow, level and quality of water in any inland waters or underground strata; and
- (c) specify a place where a copy of the order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times.

(3) Where a compulsory works order has been made, the undertaker on whose application it was made shall, at the request of any person and on payment by that person of such charge (if any) as that undertaker may reasonably require, furnish that person with a copy of the order and of any relevant map or plan.

(4) The duties of a water undertaker under this paragraph shall be enforceable under Article 30 by the Department.

(5) In this paragraph “relevant locality”, in relation to any compulsory works order, means—

- (a) any locality which is affected by any provision made by the order for the purpose of enabling any engineering or building operations to be carried out; and
- (b) where provision is made by the order for the purpose of enabling discharges of water to be made, each locality in which the place of any of the discharges is situated or in which there appears to the undertaker which applied for the order to be any inland waters or

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underground strata the flow, level or quality of water in which may be affected by any of the discharges.

Commencement Information

- II** [Sch. 9 para. 5](#) wholly in operation at 1.4.2007; [Sch. 9 para. 5](#) in operation at 1.1.2007 in so far as it confers power on a Northern Ireland department to make regulations or orders or makes provision with respect to the exercise of any such power, see [art. 1\(3\)\(e\)](#); [Sch. 9 para. 5](#) in operation at 1.4.2007 insofar as not already in operation by [S.R. 2007/194](#), [art. 2\(2\)](#), [Sch. 1 Pt. II](#) (subject to [art. 3](#), [Sch. 2](#))

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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\(b\)](#)