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DRAFT STATUTORY INSTRUMENTS

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**1999 No.**

**Water (Northern Ireland) Order 1999**

**PART II**

**FUNCTIONS OF THE DEPARTMENT OF THE ENVIRONMENT  
IN RELATION TO MATTERS AFFECTING WATER**

*Quality objectives*

**Classification of quality of waters**

5.—(1) The Department may, in relation to any description of waters (being a description applying to some or all waters), by regulations prescribe a system of classifying the quality of those waters according to criteria specified in the regulations.

(2) The criteria specified in regulations under this Article in relation to any classification shall consist of one or more of the following, that is to say—

- (a) general requirements as to the purposes for which the waters to which the classification is applied are to be suitable;
- (b) specific requirements as to the matters which are to be present in or absent from the water and as to the concentrations of matters which are or are required to be present in the water;
- (c) specific requirements as to other characteristics of those waters;

and for the purposes of any such classification regulations under this Article may provide that the question whether prescribed requirements are satisfied may be determined by reference to such samples as may be prescribed.

**Water quality objectives**

6.—(1) For the purpose of maintaining and improving the quality of any waters the Department may establish the water quality objectives for any waters which are, or are included in, waters of a description prescribed in regulations for the purposes of Article 5, by publishing in one or more newspapers circulating in the area to which the description of the waters relates, a notice specifying—

- (a) one or more of the classifications for the time being prescribed under Article 5; and
- (b) in relation to each specified classification, a date.

(2) The water quality objectives for any waters to which a notice under this Article relates shall be the satisfaction by those waters, on and at all times after each date specified in the notice, of the requirements which at the time of the notice were the requirements for the classification in relation to which that date is so specified.

(3) Where the Department has established water quality objectives under this Article for any waters the Department may review objectives for those waters if 5 years or more have elapsed since the publication of the last notice under paragraph (1) or (6) to be published in respect of those waters

and the Department shall not establish objectives for any waters by varying the existing objectives for those waters except in consequence of such a review.

(4) Where the Department proposes to establish or vary the objectives for any waters the Department shall—

- (a) give notice setting out the proposal and specifying the period (not being less than 3 months from the date of publication of the notice) within which representations with respect to the proposal may be made; and
- (b) consider any representations which are duly made and not withdrawn;

and, if the Department decides, after considering any such representations, to establish or vary those objectives, the Department may do so either in accordance with the proposal contained in the notice or in accordance with that proposal as modified in such manner as the Department considers appropriate.

(5) A notice under paragraph (4) shall be given by publishing the notice in such manner as the Department considers appropriate for bringing it to the attention of persons likely to be affected by it.

(6) If, on a review under this Article or in consequence of any representations made following such a review for the purposes of paragraph (4), the Department decides that the water quality objectives for any waters should remain unchanged, the Department shall publish notice of that decision and serve a copy of that notice on any person who made such representations.

(7) Where a person who has made representations following a review for the purposes of paragraph (4) is not satisfied with the decision of the Department under paragraph (6), he may appeal to the Appeals Commission within 28 days from the date on which notice of the decision is served on him.