

SCHEDULES

SCHEDULE 5

PROVISIONS OF THE DRAINAGE ORDER APPLIED FOR THE PURPOSES OF PART III OF THIS ORDER

PART II

MODIFICATIONS OF THE PROVISIONS APPLIED BY PART I

2. The provisions of the Drainage Order specified in Part I of this Schedule shall, in their application for the purposes of Part III of this Order, have effect with the following modifications—

- (a) references therein to a watercourse shall be construed as references to a waterway;
- (b) references therein to the Drainage Order shall be construed as references to Part III of this Order;
- (c) references therein to—
 - (i) a scheme or a drainage scheme carried out under the Drainage Order, or any part thereof;
 - (ii) drainage works;
 - (iii) drainage purposes or purposes connected with drainage;
 - (iv) the Drainage Council;

shall respectively be construed as references to—

- A a canal scheme;
- B works under any provision contained in Part III of this Order or any canal scheme;
- C the purposes of any such provision or scheme; and
- D the Water Council;

(d) references therein to sea defences and sea defence works shall be omitted;

(e) in Article 17—

(i) for paragraph (4) substitute—

“(4) Every claim for compensation under this Article—

- (a) shall be made in writing to the Department of Agriculture within 3 years from the date of completion of the work from which, or from the operation of which, the claim arises, and such details of the claim as the Department may require shall be furnished in writing to the Department within such period as the Department may determine; and
- (b) shall, in default of agreement, be heard and determined by the Lands Tribunal.”;

(ii) in paragraph (5), the words “and may allow a sum in respect of the cost of the employment of any” shall be omitted;

(f) in Article 38, after paragraph (2) add—

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Water (Northern Ireland) Order 1999 No. 662

“(3) Every claim duly made for compensation under this Article shall, in default of agreement, be heard and determined by the Lands Tribunal.”.