
DRAFT STATUTORY INSTRUMENTS

2006 No.

**The Water and Sewerage Services
(Northern Ireland) Order 2006**

PART II

REGULATORY AUTHORITIES AND GENERAL DUTIES

General duties

Codes of practice with respect to environmental and recreational duties

10.—(1) The Department may by order approve any code of practice issued (whether by it or by another person) for the purpose of—

- (a) giving practical guidance to relevant undertakers with respect to any of the matters for the purposes of which Articles 8 and 9 have effect; and
- (b) promoting what appear to it to be desirable practices by such undertakers with respect to those matters,

and may at any time by such an order approve a modification of such a code or withdraw its approval of such a code or modification.

(2) A contravention of a code of practice as for the time being approved under this Article shall not of itself constitute a contravention of any requirement imposed by Article 8 or 9 or give rise to any criminal or civil liability.

(3) But the Department, the other relevant Northern Ireland departments and any other public authority shall each be under a duty to take into account whether there has been or is likely to be any such contravention in determining when and how it should exercise its powers in relation to any relevant undertaker by virtue of this Order or any other statutory provision.

(4) An order under this Article shall be subject to negative resolution.

(5) The Department shall not make an order under this Article unless it has first consulted—

- (a) the other relevant Northern Ireland departments;
- (b) the Sports Council for Northern Ireland; and
- (c) such relevant undertakers and other persons as the Department considers it appropriate to consult.

(6) In this Article “the other relevant Northern Ireland departments” means—

- (a) DARD;
- (b) DCAL; and
- (c) DOE.