
DRAFT STATUTORY INSTRUMENTS

2006 No.

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

**PART IX
INFORMATION**

Registers, maps etc

Sewer maps

258.—(1) Subject to paragraphs (5) to (7), it shall be the duty of every sewerage undertaker to keep records of the location and other relevant particulars—

- (a) of every public sewer, lateral drain or disposal main which is vested in the undertaker;
- (b) of every sewer or lateral drain in relation to which a declaration of vesting has been made by the undertaker under Chapter II of Part VI but has not taken effect; and
- (c) of every drain or sewer which is the subject of any agreement to make such a declaration which has been entered into by the undertaker under Article 161 .

(2) For the purposes of this Article the relevant particulars of a drain, sewer or disposal main are (in addition to its location) particulars—

- (a) of whether it is a drain, sewer or disposal main and of the descriptions of effluent for the conveyance of which it is or is to be used; and
- (b) of whether it is vested in the undertaker or, if it is not, of whether it is a sewer in relation to which a declaration has been made under Chapter II of Part VI or a drain or sewer which is the subject of an agreement under Article 161.

(3) It shall be the duty of every sewerage undertaker to secure that the contents of all the records for the time being kept by it under this Article are available, at all reasonable times, for inspection by the public free of charge at an office of the undertaker.

(4) Any information which is required under this Article to be made available by a sewerage undertaker for inspection by the public shall be so made available in the form of a map.

(5) For the purpose of determining whether any failure to make a modification of any records kept under this Article constitutes a breach of the duty imposed by paragraph (1), that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and, where records kept under this Article are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.

(6) Nothing in this Article shall require a sewerage undertaker to keep records of any particulars of—

- (a) a lateral drain laid before the transfer date; or

- (b) any other drain, or any sewer or disposal main laid before the transfer date if—
 - (i) the undertaker does not know of, or have reasonable grounds for suspecting, the existence of the drain, sewer or disposal main; or
 - (ii) it is not reasonably practicable for the undertaker to discover the course of the drain, sewer or disposal main and it has not done so.

(7) Nothing in this Article shall require a sewerage undertaker, at any time before the tenth anniversary of the transfer date, to keep records of any particulars of any such drain, sewer or disposal main laid before the transfer date as would not be excluded from its records by virtue of paragraph (6) (b) unless—

- (a) those particulars were shown on the day before the transfer date on a map kept by the Department under Article 48 of the [Water and Sewerage Services \(Northern Ireland\) Order 1973 \(NI 2\)](#) (sewer maps); or
- (b) it is a drain or sewer in relation to which a declaration of vesting, or an agreement to make such a declaration, has been made since the transfer date.

(8) The duties of a sewerage undertaker under this Article shall be enforceable under Article 30 by the Department.