
DRAFT STATUTORY INSTRUMENTS

2006 No.

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

**PART IX
INFORMATION**

Powers to acquire and duties to provide information

Power to require information for enforcement purposes

261.—(1) Where it appears to an enforcement authority that a company which holds an appointment as a relevant undertaker may be contravening, or may have contravened—

- (a) any condition of the company's appointment in relation to which it is the relevant enforcement authority; or
- (b) any statutory or other requirement enforceable under Article 30 in relation to which it is the relevant enforcement authority,

it may, for any purpose connected with such of its powers under Chapter II of Part III as are exercisable in relation to that matter, serve a notice under paragraph (2) on any person.

(2) A notice under this paragraph is a notice—

- (a) requiring the person on whom it is served to produce, at a time and place specified in the notice, to—
 - (i) the enforcing authority; or
 - (ii) any person appointed by the enforcing authority for the purpose,any documents which are specified or described in the notice and are in that person's custody or under his control; or
- (b) requiring that person, if he is carrying on a business, to provide, at the time and place and in the form and manner specified in the notice, the enforcing authority with such information as may be specified or described in the notice.

(3) No person shall be required under this Article to produce any documents which he could not be compelled to produce in civil proceedings in the High Court or, in complying with any requirement to provide information, to give any information which he could not be compelled to give in evidence in any such proceedings.

(4) A person who, without reasonable excuse, fails to do anything required of him by a notice under paragraph (2) shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(5) A person who intentionally alters, suppresses or destroys any document which he has been required by any notice under paragraph (2) to produce shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(6) If a person makes default in complying with a notice under paragraph (2), the High Court may, on the application of the enforcing authority which served the notice, make such order as the Court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a company or other body who are responsible for its default.

(7) Nothing in this Article shall be construed as restricting any power of the Department or the Authority under Article 260 or under the conditions of an appointment under Chapter I of Part III to require a company holding such an appointment to produce any document to it or to provide it with any information.

(8) Expressions used in this Article and in Chapter II of Part III have the same meanings in this Article as in that Chapter.