
DRAFT STATUTORY INSTRUMENTS

2006 No.

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

**PART IX
INFORMATION**

Registers, maps etc

The Authority's register

253.—(1) The Authority shall, at such premises and in such form as it may determine, maintain a register for the purposes of Part III and of Article 201.

(2) Subject to any direction given under paragraph (3), the Authority shall cause to be entered in the register the provisions of—

- (a) every appointment under Chapter I of Part III, every termination or transfer of any such appointment, every variation of the area for which any company holds any such appointment and every modification of the conditions of any such appointment;
- (b) every direction, consent or determination given or made under any such appointment by the Department, the Competition Commission or the Authority;
- (c) every final enforcement order made under Article 30, every provisional enforcement order made or confirmed under that Article and every revocation of such a final or provisional enforcement order;
- (d) every undertaking given to and accepted by the Department or the Authority for the purposes of paragraph (1)(b) of Article 31 and every notice under paragraph (3) of that Article;
- (e) every penalty imposed under Article 35(1) or (2) and every notice under Article 35(5); and
- (f) every special administration order and every discharge of such an order.

(3) If it appears to the Department that the entry of any provision in the register would be against the public interest, it may direct the Authority not to enter that provision in the register; and the Authority shall comply with any such direction.

(4) The Authority shall also cause to be entered on the register the provisions of any guidance given to it by the Department under Article 201(8).

(5) It shall be the duty of the Authority to secure that the contents of the register are available, at all reasonable times, for inspection by the public free of charge.

(6) It shall be the duty of the Authority, on the payment of such sum as may be reasonable, to provide a person who requests it with a copy of, or of an extract from, the contents of any part of the register.

(7) Any sums received by the Authority under this Article shall be paid into the Consolidated Fund.

Reasons for decisions

254.—(1) This Article applies to the following decisions of the Authority or the Department—

- (a) the modification of the conditions of an appointment under Chapter I of Part III or the variation of the area to which an appointment relates;
- (b) the termination of such an appointment;
- (c) the giving of any directions or consent in pursuance of a condition included in such an appointment by virtue of Article 19(1);
- (d) the determination of a question referred in pursuance of a condition included in such an appointment by virtue of Article 19(2); and
- (e) the making of a final enforcement order, the making or confirmation of a provisional enforcement order or the revocation of a final order or of a provisional order which has been confirmed.

(2) As soon as reasonably practicable after making such a decision the Authority or the Department shall publish a notice stating the reasons for the decision in such manner as it considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be interested.

(3) A body publishing a notice under paragraph (2) shall serve a copy on the company holding the appointment to which the decision relates.

(4) A body preparing a notice under paragraph (2) shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where it considers that publication of that matter would or might seriously and prejudicially affect the interests of that individual or body.

(5) This Article does not apply in relation to a decision of the Authority resulting in any provision which the Authority was directed under Article 253(3) not to enter in the register required to be kept under that Article.

Trade effluent registers

255.—(1) It shall be the duty of every sewerage undertaker to secure that copies of—

- (a) every consent given by the undertaker under Chapter III of Part VI;
- (b) every direction given or having effect as if given by the undertaker under that Chapter;
- (c) every joint notice given to the undertaker under Article 177(5)(a);
- (d) every agreement entered into or having effect as if entered into by the undertaker under Article 187; and
- (e) every notice served on the undertaker under Article 190,

are kept available, at all reasonable times, for inspection by the public free of charge at the offices of the undertaker.

(2) It shall be the duty of every sewerage undertaker, on the payment of such sum as may be reasonable, to provide a person who requests it with a copy of, or of an extract from, anything kept available for inspection under this Article.

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

Register for the purposes of works discharges

256.—(1) Every water undertaker shall keep a register of persons and premises for the purposes of Article 227.

(2) A water undertaker shall enter the name and address of a person in that register in respect of any premises which abut on any watercourse if that person has requested to be so registered and is either—

- (a) the owner or occupier of those premises; or
- (b) an officer of an association of owners or occupiers of premises which abut on that watercourse and include those premises.

(3) If any water undertaker contravenes, without reasonable excuse, any of the requirements of this Article, it shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Maps of waterworks

257.—(1) Subject to paragraphs (6) and (7), it shall be the duty of every water undertaker to keep records of the location of—

- (a) every resource main, water main or discharge pipe which is for the time being vested in that undertaker; and
- (b) any other underground works, other than a service pipe, which are for the time being vested in that undertaker.

(2) Subject to paragraph (6), it shall also be the duty of every water undertaker to keep records of the location and other relevant particulars of—

- (a) every water main in relation to which a declaration of vesting has been made by the undertaker under Chapter II of Part IV but has not taken effect; and
- (b) every water main which is the subject of any agreement to make such a declaration which has been entered into by (or on behalf of) the undertaker.

(3) For the purposes of this Article the other relevant particulars of a water main are (in addition to its location) particulars of whether it is a water main in relation to which a declaration has been made under Chapter II of Part IV or a water main which is the subject of an agreement to make such a declaration.

(4) It shall be the duty of every water undertaker to secure that the contents of any 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.

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

(6) 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) or (2), 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.

(7) Nothing in this Article shall require a water undertaker, at any time before the tenth anniversary of the transfer date, to keep records of—

- (a) any pipe which was laid before the transfer date; or
- (b) any underground works which were completed before the transfer date,

unless 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 \(NI 2\)](#) (maps of underground works).

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

(9) In this Article “discharge pipe” has the same meaning as in Part VIII.

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.