

*These notes refer to the Water and Sewerage Services (Amendment) Act (Northern Ireland) 2013 (c.6) which received Royal Assent on 25 April 2013*

# Water and Sewerage Services (Amendment) Act (Northern Ireland) 2013

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes relate to the Water and Sewerage Services (Amendment) Act (Northern Ireland) 2013 which received Royal Assent on 25 April 2013. They have been prepared by the Department of Regional Development in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The Notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act, so where a section or part of a section or Schedule does not seem to require an explanation or comment, none is given.

### **BACKGROUND AND POLICY OBJECTIVES**

3. The primary reason for the Act is to ensure that DRD continues to make subsidy payments to Northern Ireland Water (NI Water) in lieu of household water charges. Under Article 213(3) of the Water & Sewerage Services (Northern Ireland) Order 2006 (“the 2006 Order”), the Department is obliged to make grants to the undertaker equal to the amount of discounts provided to consumers in the “initial period”.
4. Prior to this Act the initial period was 6 years from the coming into operation of the 2006 Order. This provision expired on 31 March 2013. This Act amends the 2006 Order by making the initial period 9 years from the coming into operation of the 2006 Order i.e. until 31 March 2016.
5. The Act also enables water and sewerage undertakers to record their intention to carry out certain works on private land on the Statutory Charges Register held by Land Registers NI. Under Article 220 of the 2006 Order, water and sewerage undertakers are empowered to lay certain pipes and sewers on private land and carry out certain other works in support of that power. Before doing so, they are required to give notice to owners and occupiers. This Act requires notices relating to these powers to be registered in the statutory charges register which provides purchasers of land with an easy method of checking whether a property is affected by various statutory restrictions.

## **CONSULTATION**

6. The policy underpinning the extension of the subsidy period stems from the Executive's Programme for Government which was the subject of previous consultation. The registration of statutory charges is a minor, technical amendment and public consultation was not justified.

## **OVERVIEW**

7. The Act contains 3 sections.

## **COMMENTARY ON SECTIONS**

A short explanation of sections 1 to 3 is given below.

### ***Section 1: Extension of Subsidy Period***

This section amends Article 213(4) of the 2006 Order to extend the "initial period" to 9 years from the coming into force of the 2006 Order. This provides the basis for DRD to continue to make subsidy payments to NI Water until 31 March 2016.

### ***Section 2: Statutory Charges***

Under Article 220 of the 2006 Order, relevant undertakers (currently NI Water) are (amongst other things) empowered to carry out works to lay certain pipes on land. Before exercising powers under paragraph (1) of Article 220, paragraph (4) of that Article requires relevant undertakers to give reasonable notice to owners and occupiers of the land that the undertaker proposes to exercise the power.

This section amends Schedule 11 to the Land Registration Act (Northern Ireland) 1970 so that, where an undertaker has given reasonable notice that it proposes to exercise powers under paragraph (1)(a) of Article 220, or powers under paragraph (1)(c) of that Article where those powers relate to works falling within paragraph (1)(a), that notice must be registered as a statutory charge in the Statutory Charges Register. This amendment makes this information publicly available, particularly in order to assist prospective purchasers.

### ***Section 3: Short Tile***

This section is self explanatory

## **HANSARD REPORTS**

8. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly.

<i>STAGE</i>	<i>DATE</i>
Introduction of the Act to the Regional Development Committee	12 Sep 2012

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<b><i>STAGE</i></b>	<b><i>DATE</i></b>
Introduction to the Assembly	19 Nov 2012
Committee Stage	29 Nov 2012
Committee Stage - evidence from Northern Ireland Water and The Irish Congress of Trade Unions	09 Jan 2013
Committee Stage - evidence from Northern Ireland Authority for Utility Regulation and the Consumer Council of Northern Ireland	16 Jan 2013
Committee Stage – evidence from The Confederation of British Industry (NI) and the Department for Regional Development	23 Jan 2013
Consideration Stage in the Assembly	12 Feb 2013
Further Consideration Stage	25 Feb 2013
Final Stage	05 Mar 2013
Royal Assent	25 Apr 2013