STATUTORY INSTRUMENTS

2005 No. 1453

The Drainage (Amendment) (Northern Ireland) Order 2005

Power of Department to charge for exercise of functions

4.—(1) After Article 34 of the 1973 Order there shall be inserted—

"**Power of Department to charge for exercise of functions**

34A.—(1) The Department may by regulations make provision for the payment of charges to the Department in respect of the exercise of its functions under this Order.

(2) Regulations made under paragraph (1) may—

(a) prescribe the functions in respect of which charges are payable;

(b) prescribe the persons liable to pay such charges;

(c) prescribe the amount of the charges or the manner in which charges are to be determined;

(d) prescribe the times at which, and method by which, charges are payable;

(e) make provision for the review by the Lands Tribunal of any charge which the Department proposes to make under the regulations, including provision for the powers of the Lands Tribunal on any such review;

(f) provide for the remission or reduction of charges in prescribed circumstances;

(g) provide for the recovery by the Department of charges due to it;

(h) provide for the payment of interest if charges are not paid on time;

(i) make such incidental, supplementary and transitional provision as appears to the Department to be appropriate.

(3) Any regulations made by the Department under this Article shall be subject to negative resolution.".

(2) In Article 35 of the 1973 Order (provisions as to recovery of expenses) after paragraph (1) there shall be inserted the following paragraph—

"(1A) Paragraph (1) shall not apply to any sum of money which the Department is authorised to recover by virtue of Article 34A.".

(3) In Article 42(2) of the 1973 Order (financial provisions) for the words "or 28" there shall be substituted the words " , 28 or 34A ".

Status:
Point in time view as at 01/01/2006.

Changes to legislation:
There are currently no known outstanding effects for the The Drainage (Amendment) (Northern Ireland) Order 2005, Section 4.