

SCHEDULES

SCHEDULE 3

Section 119(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Water and Sewerage Services (Northern Ireland) Order 2006 (NI 21)

1. The Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows.

2. In Article 293 (procedure of the Water Appeals Commission)—

(a) in paragraph (6), for “(9) or (10)” substitute “(9), (10) or (10A)”,

(b) after paragraph (10), insert—

“(10A) This paragraph applies to a decision by the Appeals Commission on an appeal falling within any of the following sub-paragraphs—

(a) an appeal (under section 21 of the Reservoirs Act (Northern Ireland) 2015) against a decision in a review of a reservoir designation of a controlled reservoir,

(b) an appeal (made by virtue of regulations made under section 27(1) of that Act) against a decision as to whether a high-consequence or medium-consequence reservoir is of an acceptable standard as regards how it is being maintained: frequency of visits by supervising engineer,

(c) an appeal (made by virtue of regulations made under section 57(1) of that Act) against a decision as to recovery of costs in relation to a flood plan,

(d) an appeal (under section 76 of that Act) against a decision as to recovery of costs under section 69, 71, 73 or 75 of that Act,

(e) an appeal (made by virtue of regulations under section 77(1) of that Act) against any of the following—

(i) a decision to serve a stop notice,

(ii) a decision not to give a completion certificate,

(iii) a decision not to award compensation or as to the amount of compensation,

- (iv) a decision as to recovery of costs in relation to the serving of the stop notice,
 - (f) an appeal (made by virtue of regulations under section 81(1) of that Act) against any of the following—
 - (i) a decision in a review of refusal to give certification that an enforcement undertaking has been complied with,
 - (ii) a decision as to recovery of costs in relation to the acceptance of the undertaking,
 - (g) an appeal (made by virtue of regulations under section 83(1) of that Act) against a decision to impose a fixed monetary penalty,
 - (h) an appeal (made by virtue of regulations under section 86(1) of that Act) against any of the following—
 - (i) a decision to impose a variable monetary penalty,
 - (ii) a decision as to recovery of costs in relation to the imposition of the penalty,
 - (i) an appeal (made by virtue of regulations under that section) against a notice imposing a non-compliance penalty for failure to comply with an undertaking referred to in section 87(5) of that Act.”.
3. Article 297 (regulations by the Department for Regional Development as to safety of reservoirs) is omitted.
4. In Article 300 (regulations), in paragraph (1)(b), the words “or 297” are omitted.