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STATUTORY INSTRUMENTS

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**1973 No. 70**

**Water and Sewerage Services (Northern  
Ireland) Order 1973 (REPEALED)**

**PART IV**

**RIGHTS AND DUTIES OF OWNERS AND OCCUPIERS**

**[<sup>F1</sup>Liability of certain owners and occupiers**

**19** <sup>F2</sup>.—(1) Where an application under Article 17(1) for the provision of a water or sewerage service has been granted and the Department, in connection with the provision of that service, supplies and installs any fittings in a private street within the meaning of the Private Streets (Northern Ireland) Order 1980, or, subject to paragraph (3), in a road, the person who applied for that service shall maintain such of those fittings as are flush, or intended to be flush, with the street or as the case may be, the road during the period from the date on which the fittings are installed by the Department until—

- (a) in the case of a private street, the date on which the street becomes a public road under Article 7(4) or (4C), 8, 9(2), 9(3) or 13(3) of that Order; or
- (b) in the case of a road, the issue of a certificate by the Department that the road has been reinstated to the satisfaction of the Department.

(2) Where an application under Article 17(1) for a water or sewerage service, has been granted and the Department, in connection with the provision of that service, supplies and installs any fittings in land in such areas as may be designated by the Department for the purpose of this paragraph, other than land used for a private street or road, the Department may require the person who applied for that service to maintain such of those fittings as are flush, or intended to be flush, with the land during the period from the date on which the fittings are installed by the Department until such date as the Department may determine.

(3) Paragraph (1) shall not apply where the charge for the provision of the service mentioned in that paragraph includes an amount for excavation and restoration of the road.

(4) In an action against any person in respect of damage from his failure to maintain any fittings in a private street, a road or land in any area to which paragraph (2) applies, as the case may require, it shall be a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that he had taken such care as in all the circumstances was reasonably required to secure that the fittings to which the action relates were not dangerous or did not cause damage to persons or property.]

**F1** 1993 NI 16

**F2** functions transf. by SR 1999/481

**Status:**

Point in time view as at 01/01/2006. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), Section 19 .