
STATUTORY INSTRUMENTS

1973 No. 70

Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED)

PART VIII

GENERAL

INFORMATION ETC.

Information as to ownership etc. of premises

46^{F1}.—(1) The Ministry may, for the purpose of enabling it to perform any of its functions under this Order, require the occupier or owner of any premises to state in writing—

- (a) the nature of his own estate therein; and
- (b) the name and address of any other person known to him as having an estate therein, whether as owner, tenant, or otherwise.

(2) Any person who, having been required by the Ministry to give information to it in pursuance of this Article, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and liable on summary conviction to a fine not exceeding^{F2} level 2 on the standard scale].

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| <p>F1 functions transf. so far as relating to functions under f009</p> <p>F2 1984 NI 3</p> |
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Production of plans and furnishing of information

47^{F3}.—(1) [^{F4}The Department may require] the owner or occupier of any land on or under which is situated any drain used or intended to be used for discharging any sewage into a sewer or sewage treatment works of the Ministry or pipe^{F4} used or intended to be used] for connecting with any main^{F4}. . .

- (a) [^{F4}to] produce to the Ministry all such plans of the drain or pipe as the owner or occupier, as the case may be, possesses or is able without unreasonable expense to obtain, and allow copies of the plans so produced by him to be made by, or under the direction of, the Ministry, and
- (b) [^{F4}to furnish in writing] to the Ministry all such information as the owner or occupier, as the case may be, can reasonably be expected to supply with respect to the drain and any sewage discharged therefrom or with respect to the pipe.

(2) A person who fails to comply with this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding^{F5} level 2 on the standard scale].

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), Cross Heading: INFORMATION ETC.. (See end of Document for details)

- F3** functions transf. by SR 1999/481
F4 1993 NI 16
F5 1984 NI 3

Maps of sewers and mains

48^{F6}.—(1) The Ministry shall cause to be prepared, for inspection and copying by any person at all reasonable hours free of charge, a map showing and distinguishing so far as is reasonably practicable all mains and sewers which are vested in the Ministry.

(2) Where some of the sewers vested in the Ministry are reserved for foul water only or for surface water only, the map shall show also the purposes which each such sewer is intended to serve.

- F6** functions transf. by SR 1999/481

Research and publicity

49^{F7}. The Ministry may—

- (a) undertake, or contribute towards the cost of, investigations and research relevant to the problems of water supplies, sewerage and sewage treatment; and
- (b) arrange for the publication of information on those problems.

- F7** functions transf. so far as relating to functions under f009

Powers of entry

50^{F8}.—(1) Subject to this Article, an authorised officer of the Ministry shall, on producing if so required some duly authenticated document showing his authority, have a right to enter any land or premises at all reasonable hours for the purpose of—

- (a) surveying land or boring or carrying out other works in order to ascertain the suitability of the land for the execution of works under this Order;
- (b) inspecting, repairing, altering, renewing or removing any works executed under this Order in or on the land;
- (c) ascertaining whether there is or has been on or in connection with the land or premises any contravention of this Order or of any conditions imposed under it;
- (d) ascertaining whether or not circumstances exist which would authorise the Ministry to take any action or execute any work under this Order;
- (e) taking any action or executing any work authorised or required by this Order to be taken or executed by the Ministry;
- (f) inspecting any records and other documents and apparatus which the Ministry may reasonably require to inspect for the purpose of exercising any of its functions under this Order;
- (g) taking away for analysis samples of sewage or any other matter or substance which is passing from the premises into the sewers or sewage treatment works of the Ministry;
- ^{F9}(h) taking away for analysis samples of water].

(2) Admission to any land with heavy equipment shall not, except in a case of emergency, be demanded under paragraph (1) unless at least seven days' notice of the intended entry has been given to the occupier.

(3) A person carrying out an inspection of documents under paragraph (1)(f) shall have a right to take copies or extracts from the documents.

(4) Where notice of intended entry for a particular purpose has been given as respects the first occasion on which the right of entry is exercised, no further notice shall be required before entering the land or premises on a subsequent occasion in connection with that purpose.

(5) If it is shown to the satisfaction of a justice of the peace on a sworn information in writing—

(a) that admission to land or premises which any person is entitled to enter by virtue of this Article has been refused to that person, or that refusal is apprehended, or that the land or premises are unoccupied, or the occupier is temporarily absent, or that the case is one of urgency, or that the application for admission would defeat the object of the entry, and

(b) that there is reasonable ground for entry to the land or premises for any purpose for which entry is required,

the justice may by warrant under his hand authorise that person to enter the land or premises if need be by force.

(6) Any person entitled to enter any land or premises, by virtue of a right of entry or of a warrant issued under this Article—

(a) may take with him such other persons and such equipment as may be necessary; and

(b) on leaving any unoccupied land or premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(7) Every warrant granted under this Article shall continue in force until the purpose for which the entry is necessary has been satisfied.

(8) A person who wilfully obstructs any person upon whom a right of entry has been conferred by this Article or by a warrant issued thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding^[F10] level 3 on the standard scale].

(9) Where work has been carried out on land in pursuance of this Article the Ministry shall, as soon as possible, reinstate the land.

(10) In determining whether an hour is a reasonable one for the purposes of paragraph (1), regard shall be had to whether there is an emergency or not.

F8 functions transf. so far as relating to functions under f009

F9 1978 NI 19

F10 1984 NI 3

Admissibility of samples as evidence

51.—(1) The result of any analysis of a sample taken under Article 50 ^[F11] (other than a sample taken under paragraph (1)(h) of that Article)] shall not be admissible as evidence in any legal proceedings in respect of any sewage, matter or substance discharged from any premises or of any water in, on or under any land unless the person taking the sample—

(a) takes all reasonable steps to notify to the occupier of the premises or land his intention to have it analysed; and

(b) there and then divides the sample into three parts and causes each part to be placed in a container which is sealed and marked; and

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- (c) takes all reasonable steps to deliver one part to the occupier of the premises or land, retains one part for future comparison, and has one part analysed by a competent person.
- (2) In this Article any reference to an analysis includes a reference to any test of whatever kind.

F11 1978 NI 19

Restriction on disclosure of information

52. If any person who, under Article 50 is admitted to any factory, workshop or workplace discloses to any person any information obtained by him there with regard to any manufacturing process or trade secret, he shall, unless the disclosure is made in the performance of his duty, be guilty of an offence under this Article and liable on summary conviction to a fine not exceeding^{F12} level 3 on the standard scale], or to imprisonment for a term not exceeding three months, or to both.

F12 1984 NI 3

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