
STATUTORY INSTRUMENTS

1993 No. 3165

**The Water and Sewerage Services
(Amendment) (Northern Ireland) Order 1993**

Miscellaneous amendments of the principal Order

Water and sewerage services

7.—(1) For Article 17 of the principal Order there shall be substituted—

“Applications for water or sewerage services

17.—(1) Where the provision of a water or sewerage service from the Department is required in respect of any premises, the owner or occupier may apply to the Department—

- (a) for a supply of water from the Department;
- (b) to discharge into a sewer or sewage treatment works vested in the Department domestic sewage and surface water;
- (c) for the connection of his service pipe, drain or private sewer with an existing main, sewer or sewage treatment works vested in the Department; or
- (d) for an existing main or sewer to be extended or augmented and the connection of his service pipe, drain or private sewer with that extended or augmented main or sewer.

(2) An application under paragraph (1) shall be in writing.

(3) The Department may refuse the application or grant the application unconditionally or subject to such terms and conditions (including conditions as to costs and charges) as it thinks fit to impose.

(4) Where a person has applied under paragraph (1) for a water or sewerage service, the Department may enter into an agreement with that person for the provision at the expense of that person of works in connection with that service, and any such agreement may specify the terms and conditions on which the works are to be provided, including conditions as to costs and charges and as to the adoption by the Department of such works.

(5) Any person aggrieved by a decision of the Department under paragraph (3), other than a decision in respect of conditions relating to costs and charges, may appeal to the Appeals Commission within 28 days from the date on which he receives notice of the decision.

(6) Any person who—

- (a) obtains a water or, as the case may be, a sewerage service from the Department otherwise than in accordance with this Order; or
- (b) contravenes any condition on which an application for such a service is granted;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) The Department may—

- (a) close, remove or remake any connection obtained otherwise than in accordance with this Order; and

- (b) recover from the person in respect of whose liability the power under sub-paragraph (a) is exercised, the costs reasonably incurred by it in so doing.
- (8) Paragraphs (1) to (7) shall apply in relation to the alteration of an existing water or sewerage service as they apply to the provision of a service.
- (9) Nothing in this Article applies to the discharge of any trade effluent.”.
- (2) In Article 18(1) of the principal Order (rights of owners and occupiers following lawful connections) after “domestic” in the first place where it occurs there shall be inserted “, central heating and sanitary”.
- (3) For Article 19 of the principal Order there shall be substituted—

“Liability of certain owners and occupiers

19.—(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.”.