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STATUTORY INSTRUMENTS

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**1993 No. 3165**

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

Miscellaneous amendments of other statutory provisions

**Water supply to new houses**

**14.**—(1) In section 4 of the Water Supplies and Sewerage Act (Northern Ireland) 1945<sup>(1)</sup> (provision of water supply) after subsection (3) there shall be inserted—

“(4) Article 3C of the Water and Sewerage Services (Northern Ireland) Order 1973 (standards of wholesomeness of water) and any regulations made under that Article shall apply for the purposes of subsection (1) as they apply for the purposes of that Order.”.

(2) Section 5 of that Act of 1945 shall cease to have effect.

**Registration in Statutory Charges Register**

**15.** In Schedule 11 to the Land Registration Act (Northern Ireland) 1970<sup>(2)</sup> (Statutory Charges Register) the following paragraph shall be inserted after paragraph 27—

“**28.** Any of the following matters under the Water and Sewerage Services (Northern Ireland) Order 1973—

- (a) any notice served under Article 3E(1) or 13(2);
- (b) any decision notified under Article 13(3);
- (c) any agreement entered into under Article 13(4) or 17(4).”.

**Quality of water**

**16.** In Part II of the Water Act (Northern Ireland) 1972<sup>(3)</sup> at the beginning there shall be inserted

—  
“General provisions

**Maps of fresh-water limits of waterways.**

**4A.**—(1) The Department shall—

- (a) maintain maps showing what appear to the Department to be the fresh-water limits of every waterway; and
- (b) make such maps available, at all reasonable times, for inspection by the public free of charge;

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(1) 1945 c. 17 (N.I.)  
(2) 1970 c. 18 (N.I.)  
(3) 1972 c. 5 (N.I.)

and in this section “fresh-water limit”, in relation to any waterway, means the place for the time being shown as the fresh-water limit of that waterway in the map maintained for that waterway under this section.

(2) The Department may by order subject to negative resolution provide that a waterway of a description specified in the order is to be treated for the purposes of this section as if it were not a waterway to which this section applies.

#### **Classification of quality of waters.**

**4B.—**(1) The Department may, in relation to any description of waters (being a description applying to some or all waters), by regulations made subject to negative resolution prescribe a system of classifying the quality of those waters according to criteria specified in the regulations.

(2) The criteria specified in regulations under this section in relation to any classification shall consist of one or more of the following, that is to say—

- (a) general requirements as to the purposes for which the waters to which the classification is applied are to be suitable;
- (b) specific requirements as to the substances that are to be present in or absent from the water and as to the concentrations of substances which are or are required to be present in the water;
- (c) specific requirements as to other characteristics of those waters;

and for the purposes of any such classification regulations under this section may provide that the question whether prescribed requirements are satisfied may be determined by reference to such samples as may be prescribed.

#### **Water quality objectives.**

**4C.—**(1) For the purpose of maintaining and improving the quality of any waters the Department may establish the water quality objectives for any waters which are, or are included in, waters of a description prescribed in regulations for the purposes of section 4B, by publishing in one or more newspapers circulating in the area to which the description of the waters relates, a notice specifying—

- (a) one or more of the classifications for the time being prescribed under section 4B; and
- (b) in relation to each specified classification, a date.

(2) The water quality objectives for any waters to which a notice under this section relates shall be the satisfaction by those waters, on and at all times after each date specified in the notice, of the requirements which at the time of the notice were the requirements for the classification in relation to which that date is so specified.

(3) Where the Department has established water quality objectives under this section for any waters the Department may review objectives for those waters if 5 years or more have elapsed since the publication of the last notice under subsection (1) or (6) to be published in respect of those waters and the Department shall not establish objectives for any waters by varying the existing objectives for those waters except in consequence of such a review.

(4) Where the Department proposes to establish or vary the objectives for any waters the Department shall—

- (a) give notice setting out the proposal and specifying the period (not being less than 3 months from the date of publication of the notice) within which representations or objections with respect to the proposal may be made; and

(b) consider any representations or objections which are duly made and not withdrawn;

and, if the Department decides, after considering any such representations or objections, to establish or vary those objectives, the Department may do so either in accordance with the proposal contained in the notice or in accordance with that proposal as modified in such manner as the Department considers appropriate.

(5) A notice under subsection (4) shall be given by publishing the notice in such manner as the Department considers appropriate for bringing it to the attention of persons likely to be affected by it.

(6) If, on a review under this section or in consequence of any representations or objections made following such a review for the purposes of subsection (4), the Department decides that the water quality objectives for any waters should remain unchanged, the Department shall publish notice of that decision and serve a copy of that notice on any person who made such representations or objections.

(7) Where a person who has made representations or objections following a review for the purposes of subsection (4) is not satisfied with the decision of the Department under subsection (6), he may appeal to the Appeals Commission within 28 days from the date on which notice of the decision is served on him.

### **Controlling and remedying pollution”.**

#### **Penalty for water pollution**

17. In the Water Act (Northern Ireland) 1972(4)—

(a) for section 5(7) (penalty for pollution etc., of water), there shall be substituted—

“(7) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding £20,000 or to both.”;

(b) in section 9(10) (penalty for discharging effluent without consent or for contravening the conditions of any consent) for the words from “and liable” onwards there shall be substituted—

“and liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding £20,000 or to both.”.

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(4) 1972 c. 5 (N.I.)