
STATUTORY INSTRUMENTS

1999 No. 662

The Water (Northern Ireland) Order 1999

PART II

**FUNCTIONS OF THE DEPARTMENT OF THE ENVIRONMENT
IN RELATION TO MATTERS AFFECTING WATER**

Works, etc.

Power of Department to carry out engineering or building operations

23.—(1) The Department may—

- (a) carry out such engineering or building operations as it considers necessary or expedient for the purposes of any of its functions under this Part;
- (b) vary the flow of water in a waterway for those purposes; and
- (c) discharge water into any waterway or underground strata or on to land for those purposes.

(2) The Department may, for the purpose of performing any functions under paragraph (1), exercise such compulsory powers relating to the performance of those functions as may be specified in an order made by the Department under this paragraph.

(3) The Department shall, in exercising its functions under this Article, have regard to—

- (a) the conservation of water resources;
- (b) the prevention of pollution;
- (c) the needs of the community with respect to water and the disposal of effluent;
- (d) the conservation and enhancement of the natural beauty and amenity of waterways and of land associated with waterways;
- (e) the conservation and enhancement of flora and fauna;
- (f) the conservation of any feature of archaeological, historical, architectural or traditional interest.

(4) Schedule 2 shall have effect with respect to orders under paragraph (2).

Acquisition of land by Department

24.—(1) The Department may, for any purpose in connection with the performance of any of its functions under this Part—

- (a) by agreement acquire or take on lease any land or acquire land compulsorily;
- (b) dispose of any land so acquired or taken on lease.

(2) Where the Department wishes to acquire, otherwise than by agreement, any land for a purpose referred to in paragraph (1), the Department may make an order (in this Article referred to as a “vesting order”) vesting that land in the Department.

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall apply subject to the modifications specified in Schedule 3 of this Order for the purpose of the acquisition of land by means of a vesting order under this Article as it applies for the purpose of the acquisition of land by means of a vesting order under that Act.

(4) Nothing in section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (which relates to the taking and disposal of land for the public services) shall affect the disposal of any land acquired or taken on lease by the Department under this Article.

(5) The power to make a vesting order under this Article in respect of land—

(a) which is the property of any public body which has power under any statutory provision to acquire land compulsorily; or

(b) which is declared by or under any statutory provision to be inalienable,

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of the Assembly.

(6) In paragraph (5) “public body” means a body established by or under any statutory provision.