

# WATER AND SEWERAGE SERVICES (NORTHERN IRELAND) ORDER 2006

S.I. 2006 3336

---

## EXPLANATORY MEMORANDUM

### OVERVIEW OF THE ORDER

#### Part VIII - Undertakers Powers and Works

##### *Chapter 1 – Undertaker’s powers (Articles 215 – 234)*

#### Power to Carry out Works

111. [Article 218](#) enables the undertaker to make bye-laws for the protection and preservation of waterways and lands belonging to the company. The Department is required to confirm these bye-laws, ensure that they are published and that objections heard are under the procedure set out in Schedule 8.
112. This Chapter also sets out the undertaker’s powers in respect of laying pipes in streets ([Article 219](#)) and private land ([Article 220](#)); carrying out works for stopcocks ([Article 224](#)), meters ([Article 223](#)) and sewerage purposes ([Article 221](#)) and for dealing with foul water or pollution ([Article 222](#)). Powers in regard to private land are dealt with by the undertaker serving notice on the landowner ([Articles 220, 222 & 223](#) (in certain circumstances only)) or by agreement between the undertaker and landowner ([Articles 221 & 225](#)).
113. Consent is required from relevant Departments for the undertaker to discharge water from pipes greater than 300mm into any available watercourse ([Article 226](#)), other than in emergency situations, for the purposes of its functions under the Order. [Article 226](#) creates offences in this regard and sets out penalties for failure to take suitable measures to prevent damage.

#### Powers of Entry

114. Any person designated in writing by the undertaker may enter any premises for the purposes of carrying out water or sewerage works in the fulfilment of its functions under the Order as set out in [Articles 229 to 233](#). Under these [Articles](#) the undertaker may carry out survey work in the search for water, investigate whether it is appropriate or practicable to carry out its relevant works and determine how its powers should be exercised.
115. Included in relevant works are; investigating contamination of water sources; the abstraction or impoundment of water for public supply; inspection examination or testing of meters; compliance with the water quality and fittings regulations to be made under [article 114](#); taking and testing of sample of water, effluent, trade effluent or land and investigating compliance with hose pipe bans.

*This Explanatory Memorandum refers to the Water and  
Sewerage Services (Northern Ireland) Order 20063336*

116. Provision is made in article 235 for the prosecution of people found to be entering any premises unlawfully i.e. without the specific written consent of the undertaker in respect of its functions under the Order.
117. [Article 234](#) provides the Department with the power to make regulations in respect of sampling under articles 229 to 232.