
EXPLANATORY NOTE

(This note is not part of the Order)

This Order:

- (a) brings into operation the provisions of the Water and Sewerage Services (Northern Ireland) Order 2006 specified in Part I of Schedule 1;
- (b) brings into operation on 1 April 2007 the provisions of the Water and Sewerage Services (Northern Ireland) Order 2006 specified in Part II of Schedule 1; and
- (c) gives effect to the transitional, transitory and saving provisions in relation to the Water and Sewerage Services (Northern Ireland) Order 2006 that are specified in Schedule 2 as outlined below:

Paragraphs 1-5 outline how applications for various water or sewerage services (under Article 17 of the Water and Sewerage Services (Northern Ireland) Order 1973) that are outstanding immediately before the transfer date (1 April 2007) are to be processed. Paragraph 6 of Schedule 2 provides that any agreements for the provision or adoption of sewers, drains or wastewater treatment works made under the Water and Sewerage Services (Northern Ireland) Order 1973 that are in force immediately before the transfer date shall have effect on and after the transfer date as if they were made under the corresponding articles of the Water and Sewerage Services (Northern Ireland) Order 2006. Paragraph 7 outlines how any appeals or rights to appeal in respect of application for water or sewerage services under the Water and Sewerage Services (Northern Ireland) Order 1973 that are outstanding immediately before the transfer date are to be processed. Paragraph 8 provides interpretation of terms in paragraphs 1-5 of Schedule 2.

Paragraphs 9-12 outline provisions in relation to continuity of services with regard to non-domestic supplies (paragraph 9); domestic supplies and sewerage services (paragraph 10); and charging (paragraph 11). Paragraph 12 provides that any person lawfully entitled to use works before the transfer date shall continue to be so entitled on and after that date.

Paragraphs 13-15 outline provisions relating to trade effluent discharges including those authorised before 1973 (paragraph 13); those consented between 1973 and the Transfer Date (paragraph 14); and applications for consents that are in process at the Transfer Date (paragraph 15). Paragraph 16 outlines similar provisions with regard to trade effluent discharge agreements. Paragraph 17 provides information on appeal and interpretation of the transitional provisions related to trade effluent discharges.

Paragraphs 18-22 outline provisions relating to charges for services including amounts due to the Department (paragraph 18); trade effluent charges (paragraph 19); liability of owners / occupiers for charges (paragraph 20); notice of requirements to connect or disconnect a meter (paragraph 21); and disconnection for non-payment (paragraph 22).

Paragraphs 23-27 outline provisions relating to undertakers' works and their powers in connection with land including giving notice of intention to execute works (paragraph 23); rights of entry (paragraph 24); complaints with respect to exercise of works powers on private land etc (paragraph 25); complaints by owners regarding obstruction of works by occupiers (paragraph 26); and compulsory acquisition of land (paragraph 27).

Paragraph 28 outlines a provision regarding the liability for pollution offences under the Water (Northern Ireland) Order 1999 in respect of discharges from waste water treatment works operated by a PPP contractor, pending the making of relevant regulations under Article 7B(5) of the Water (Northern Ireland) Order 1999. Paragraph 29 outlines transitional provision regarding discharge

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consents issued under the Water (Northern Ireland) Order 1999 in the light of amendments made to that Order by the Water and Sewerage Services (Northern Ireland) Order 2006. Paragraph 30 provides that amendments of the Water (Northern Ireland) Order 1999 in respect of the transfer of discharge consents shall not apply retrospectively.

Paragraphs 31-43 outline provisions relating to a range of miscellaneous issues including Prosecutions and other proceedings (paragraph 31); Saving for criminal liability of the Department (paragraph 32); Application of enactments (paragraph 33); Rights to use pipes etc. (paragraph 34); Supply by means of a separate service pipe (paragraph 35); Production of plans and furnishing of information (paragraph 36); Civil liability for escapes of water (paragraph 37); Protection for telegraph and telephone lines (paragraph 38); Private water supplies (paragraph 39); Proper maintenance of water and sewerage services (paragraph 40); Adequacy of water and sewerage services to occupied premises (paragraph 41); Modification of drainage facilities (paragraph 42); and Liability of certain owners and occupiers in relation to fittings (paragraph 43).

Paragraph 44 preserves agreements under various Articles of the Water and Sewerage Services (Northern Ireland) Order 1973 prior to transfer under the transfer scheme made in accordance with Article 270 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Paragraph 45 provides interpretation of some terms used in Schedule 2.