
DRAFT STATUTORY INSTRUMENTS

1999 No.

Water (Northern Ireland) Order 1999

PART III

**POWERS OF DEPARTMENT OF AGRICULTURE
IN RELATION TO WATERWAYS**

Principal powers of Department in relation to waterways

Powers of maintenance

43.—(1) This Article applies to any waterway which is not a designated watercourse within the meaning of the Drainage Order.

(2) The Department may, in relation to any waterway to which this Article applies, carry out such works of repair and maintenance as the Department may consider fit, and, for that purpose, the Department may exercise any of the powers mentioned in paragraph (3) and any other powers which may be reasonably necessary for, or incidental to, the carrying out of such works.

(3) For the purposes of repairing or maintaining any waterway to which this Article applies, the Department may—

- (a) maintain existing works, that is to say, cleanse, repair or otherwise maintain in a due state of efficiency any existing waterway or works carried out under this Part or under any canal scheme;
- (b) improve any existing works, that is to say, deepen, widen, straighten or otherwise improve any existing waterway or works carried out under this Part or under any canal scheme, or remove or alter dams, weirs or other obstructions to waterways, or raise, widen or otherwise improve any works carried out under this Part or any canal scheme;
- (c) construct new works which may be required for the purpose of repairing or improving the waterway;
- (d) repair, strengthen, alter, replace or renew any existing embankment and, for that purpose, use any shingle, sand, clay, gravel, stone, rock or other material removed in the carrying out of any works under this Part or any canal scheme, and deposit any material so removed on any adjacent land.