
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

General powers of the Department

44.—(1) Without prejudice to the generality of any other provision of this Part, the Department may, for the purposes of its functions under this Part—

- (a) cause such surveys, reports and plans to be made as the Department may think necessary;
 - (b) abstract water from, or vary the water flow or water level in, a waterway;
 - (c) improve the supply of water in a waterway;
 - (d) discharge water into any waterway or underground strata or on to land;
 - (e) execute such works and do all such other things as the Department may think necessary.
- (2) The power conferred by paragraph (1)(a) to survey land includes power—
- (a) to sink boreholes; and
 - (b) to survey land for the purpose of determining whether it is appropriate or practicable for the Department to exercise any of its powers under this Part.
- (3) Subject to paragraph (4), the Department may temporarily close any waterway.
- (4) The Department, before closing any waterway, shall, except in the case of an emergency, give to all persons likely to be affected by the closure, such notice as is reasonably practicable.
- (5) Where the Department considers it appropriate, it may—
- (a) carry out any experimental, advisory, research or development work either in relation to waterways generally or in relation to any particular problem relating to waterways;
 - (b) enter into a contract or arrangement with any person for the carrying out of any such work;
 - (c) make grants by way of contribution towards the cost of any such work undertaken by any person.