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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

The Water and Sewerage Services  
(Northern Ireland) Order 2006

PART VI

SEWERAGE SERVICES

CHAPTER III

TRADE EFFLUENT

*References and reviews relating to special category effluent*

**Compensation in respect of determinations made for the protection of public health etc.**

**192.**—(1) Subject to paragraph (2), DOE shall be liable to pay compensation to the relevant person in respect of any loss or damage sustained by that person as a result of any notice under Article 190 containing DOE's determination on a review which

- (a) has been carried out for the protection of public health or of flora and fauna dependent on an aquatic environment; and
- (b) but for being so carried out would have been prohibited by virtue of Article 185(2) or 189(2).

(2) DOE shall not be required to pay any compensation under this Article if the determination in question is shown to have been given in consequence of—

- (a) a change of circumstances which could not reasonably have been foreseen at the time when the period of two years mentioned in Article 185(2) or, as the case may be, Article 189(2) began to run; or
- (b) consideration by DOE of material information which was not reasonably available to DOE at that time.

(3) No person shall be entitled to any compensation under Article 183 in respect of anything done in pursuance of Article 191.

(4) In this Article "the relevant person" means

- (a) in relation to a review of a consent, the holder of the consent;
- (b) in relation to a review of an agreement, the owner or occupier of the trade premises in question, according to whether it is the owner or the occupier who is a party to the agreement.