
DRAFT STATUTORY INSTRUMENTS

2006 No.

**The Water and Sewerage Services
(Northern Ireland) Order 2006**

PART VIII

UNDERTAKERS' POWERS AND WORKS

CHAPTER III

SUPPLEMENTAL PROVISIONS WITH RESPECT TO UNDERTAKERS' POWERS

Interpretation

Interpretation of Part VIII

252.—(1) In this Part “discharge pipe” means a pipe from which discharges are or are to be made under Article 226.

(2) In this Part references to maintaining a pipe include references to cleansing it and references to altering a pipe include references to altering its size or course, to moving or removing it and to replacing it with a pipe which is of the same description of relevant pipe (within the meaning of Article 219) as the pipe replaced.

(3) The powers conferred by this Part on a relevant undertaker shall be exercisable both inside and outside the undertaker’s area.

(4) A relevant undertaker proposing to exercise any of its powers under Article 219 or 220 outside its own area shall, if paragraph (5) applies, give notice of its proposal to the water undertaker or (as the case may be) sewerage undertaker for the area in question and, if that paragraph applies, shall not carry out its proposal—

- (a) without the consent of that other undertaker; or
- (b) where that other undertaker refuses to give its consent, or fails to give its consent before the end of the period of 28 days beginning with the day on which it is notified of the proposal, without the consent of the Authority.

(5) This paragraph applies where the proposal is to lay—

- (a) a water main which is not intended to be—
 - (i) a trunk main; or
 - (ii) a water main used solely for the purpose of supplying water otherwise than for domestic purposes; or
- (b) a sewer which is intended to be a public sewer but not a storm-water overflow sewer.

(6) In so far as any powers conferred by this Part on a relevant undertaker authorise the removal of any pipe or the alteration of its size or course, those powers shall be subject to such obligations by virtue of which the undertaker is required—

- (a) to maintain a pipe or a connection with it; or
 - (b) to alter a pipe only where certain conditions are satisfied,
- as are imposed on the undertaker by or under any statutory provision.
- (7) The powers conferred by virtue of this Part are without prejudice to any power conferred by virtue of any agreement and are cumulative.