

## SCHEDULES

### SCHEDULE 12

#### AMENDMENTS

##### *The Drainage (Northern Ireland) Order 1973 (NI 1)*

**10.**—(1) In Article 2(2), in the definition of “the Commission”, for the words from “established” to the end substitute “for Northern Ireland”.

(2) In Article 2(2), in the definition of “watercourse”—

(a) after “any drain or sewer” insert “vested in a sewerage undertaker”; and

(b) for “under the control of the Ministry of Development” substitute “vested in a water undertaker”.

(3) After Article 40 insert—

##### **“Protection for water and sewerage undertakers**

**40A.**—(1) Nothing in this Order shall confer power on any person, except with the consent of a water or sewerage undertaker, to do anything which, whether directly or indirectly, so interferes or will so interfere—

(a) with works or property vested in or under the control of that undertaker; or

(b) with the use of any such works or property,

as to affect injuriously those works or that property or the carrying out of the functions of that undertaker.

(2) A consent for the purposes of sub-paragraph (1) may be given subject to reasonable conditions but shall not be unreasonably withheld.

(3) Any dispute—

(a) as to whether anything done or proposed to be done interferes or will interfere as mentioned in sub-paragraph (1);

(b) as to whether any consent for the purposes of this paragraph is being unreasonably withheld; or

(c) as to whether any condition subject to which any such consent has been given was reasonable,

may be referred by either party to the dispute to the Commission.”.

(4) In Schedule 5 in paragraph 12 for “the Ministry of Development” substitute “a sewerage undertaker”.