

2001 No. 283 (C. 14)

WATER AND SEWERAGE

The Water (1999 Order) (Commencement and Transitional Provisions) Order (Northern Ireland) 2001

Made 20th July 2001

The Department of the Environment, in exercise of the powers conferred on it by Article 1(2) and (5) of the Water (Northern Ireland) Order 1999^(a) and of every other power enabling it in that behalf, hereby makes the following order:

Citation

1. This order may be cited as the Water (1999 Order) (Commencement and Transitional Provisions) Order (Northern Ireland) 2001.

Appointed day

2. The appointed day for the coming into operation of the following provisions of the Water (Northern Ireland) Order 1999 (“the 1999 Order”) shall be 24th August 2001—

- Part II (Articles 3 to 38),
- Articles 57 and 58,
- Schedules 1 and 2,
- Schedule 3 (to the extent that it is not already in operation),
- Schedule 6,
- Schedule 7 and Article 63(1), and
- Part II of Schedule 8 and Article 63(2) (to the extent that it is not already in operation).

Transitional provisions

3. An application for a consent under sections 7 or 8 of the Water Act (Northern Ireland) 1972^(b) (“the 1972 Act”) or a review of a consent under section 10(1) of that Act, which has not been decided before the 24th August 2001 shall be treated as an application for a consent or a variation under paragraphs 1 or 7 of Schedule 1 to the 1999 Order.

4. A consent issued under sections 7 or 8 of the 1972 Act shall be deemed to be a consent issued under the provisions of Article 9(3) and Schedule 1 to the 1999 Order and shall be subject to the provisions of that Order.

^(a) S.I. 1999 No. 662 (N.I. 6)
^(b) 1972 c. 5 (N.I.)

5.—(1) A consent referred to in Article 4 shall be subject to a review under paragraphs 5 and 6 of Schedule 1 to the 1999 Order—

(a) if 24th August 2001 falls within 4 years of the issue of a consent then on or after the 4th anniversary of its issue; and

(b) in any other case any time after 24th August 2001.

(2) For the purposes of paragraph 6(1) of Schedule 1 to the 1999 Order notices by virtue of paragraph 5(2) or (4)(c) may be served on or after the dates respectively referred to in paragraph (1).

Sealed with the Official Seal of the Department of the Environment on 20th July 2001.

(L.S.)

Sam Foster
Minister of the Environment

EXPLANATORY NOTE

(This note is not part of the order.)

This order brings into operation on the 24th August 2001 all the provisions of the Water (Northern Ireland) Order 1999 (“the 1999 Order”) which were not brought into operation by virtue of Article 1(3) and (4) of that Order. The provisions brought into operation relate to functions of the Department of the Environment affecting water and certain other miscellaneous and general matters.

The order also makes transitional provisions to ensure that—

- (a) applications for consents or reviews which have been made but not determined under the Water Act (Northern Ireland) 1972 (“the 1972 Act”) are dealt with under the 1999 Order,
- (b) consents issued under the 1972 Act are treated as consents under the 1999 Order, and
- (c) consents referred to in paragraph (b) are subject to the 4 year review period provided for in the 1999 Order.

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