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## STATUTORY INSTRUMENTS

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# 1973 No. 69

## Drainage (Northern Ireland) Order 1973

### PART I

#### INTRODUCTORY

##### Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to the interpretation of Article 1 and the following provisions of this Order as it applies to an Act of the Parliament of Northern Ireland.

(2) In this Order—

[<sup>F1</sup>“another member State” means a member State other than the United Kingdom;]

[<sup>F2</sup>“additional information” in any case where an environmental statement has been prepared in respect of a drainage scheme means any information relating to the statement which is not contained in it;

“another EEA State” means an EEA State other than the United Kingdom;]

“authorised” means authorised by the Ministry;

“bank” means any bank, wall or embankment adjoining or confining, or constructed for the purposes of or in connection with, any watercourse, or for the protection of any land from flooding;

[<sup>F3</sup>“the Commission” means the Water Appeals Commission [<sup>F4</sup>for Northern Ireland];

“consultation bodies” shall be construed in accordance with Article 12A(5);]

“dam” includes a lock, weir or other structure whatsoever which is likely to affect the flow of water in any watercourse;

“designated sea defences” means sea defences designated by the Drainage Council under this Order;

“designated watercourse” means a watercourse designated by the Drainage Council under this Order;

[<sup>F5</sup>“the Directive” means [Directive 2011/92/EU](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment as amended by [Directive 2014/52/EU](#) of the European Parliament and of the Council;]

“drainage” includes protection;

“the Drainage Council” has the meaning assigned to it by Article 3(1);

“drainage scheme” means a scheme prepared under Article 11(1);

[<sup>F6</sup>“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed in Brussels on 17th March 1993;]

“embankment” includes an embankment which is part of any sea defence works;

[<sup>F7</sup>“environmental information” means information in an environmental statement and any additional information provided in accordance with this Order in relation to an application or referral for a determination under Article 12A(8) or Article 12H(5) in relation to the likely environmental effects of the scheme which is the subject of the application;]

[<sup>F8</sup>“environmental statement” means a statement that includes such of the information referred to in Schedule 2A as is reasonably required to assess the environmental effects of the drainage scheme and which the Department can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile;]

“fish pass” means a channel for the free run or migration of fish in, over or in connection with an obstruction in a watercourse, and includes a fish ladder or any contrivance which facilitates the passage of fish;

[<sup>F9</sup>“general advertisement” means publication of a notice—

- (a) in the Belfast Gazette; and
- (b) on the website maintained by the Department;

“local advertisement” means a notice in one or more newspapers circulating in the immediate locality of a proposed drainage scheme;]

“the Minister” and “the Ministry” mean respectively the Minister and the Ministry of Agriculture;

“occupier”, in relation to any land, includes an agent or other person entrusted by any owner, occupier or person having an estate therein with the management thereof;

“protection” means protection against flooding but not erosion by the sea;

[<sup>F10</sup>“public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures of the Department. For the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest;]

“sea defences” means any works designed for the protection against flooding by the sea of land and existing at the commencement of this Order;

“sea defence works” means any works of construction, reconstruction, alteration, improvement, repair, maintenance, demolition or removal for the purpose of the protection against flooding by the sea of any land, and includes the sowing or planting of vegetation for that purpose;

“sluice” includes any appliance capable of regulating the flow of water and all structures and apparatus connected with that appliance;

“statutory provision” has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ;

“transferred provision” has the meaning assigned to it by section 1(*g*) of the said Act of 1954;

“tree” includes bush and shrub;

[<sup>F11</sup>“Union legislation” means any enactment in the domestic law of Northern Ireland giving effect to an EU obligation.]

“watercourse” means any channel or passage of whatever kind, whether natural or artificial, through which water flows and, without prejudice to the generality of the foregoing, includes any river, stream, canal, ditch, drain, cut, culvert, dyke, sluice, valve, sewer, overland carrier, millrace or layde, but does not include any drain or sewer [<sup>F12</sup>vested in a sewerage undertaker], or any water main or service pipe [<sup>F13</sup>vested in a water undertaker].

[<sup>F14</sup>(2A) In this Order, any reference to significant effects on the environment shall include a reference to such effects on the environment in another EEA State.

(2B) Expressions used in this Order and in the Directive have the same meaning for the purposes of this Order as they have for the purposes of the Directive [<sup>F15</sup>unless otherwise provided for] .]  
*Para.(3) rep. by SLR 1976*

- F1** SR 1998/446
- F2** In art. 2(2) definitions of "additional information" and "another EEA State" substituted (20.3.2006) for definition of "another EEA State" by [Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/34\)](#), **reg. 17(1)(a)**
- F3** SR 2001/394
- F4** Art. 2(2): words in definition of "the Commission" substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), **Sch. 12 para. 10(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3 Sch. 2)
- F5** Words in art. 2(2) substituted (16.5.2017) by [The Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/88\)](#), regs. 1, **20(1)(a)**
- F6** Art. 2(2): definition of "EEA State" substituted (20.3.2006) by [Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/34\)](#), **reg. 17(1)(d)**
- F7** Art. 2(2): "for the definition of "environmental information" there shall be inserted" definition of "environmental information" (20.3.2006) by virtue of [Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/34\)](#), **reg. 17(1)(e)**
- F8** Words in art. 2(2) substituted (16.5.2017) by [The Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/88\)](#), regs. 1, **20(1)(b)**
- F9** Art. 2(2): "for the definition of "local newspaper" there shall be inserted" the definitions of "general advertisement" and "local advertisement" (20.3.2006) by virtue of [Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/34\)](#), **reg. 17(1)(f)**
- F10** Words in art. 2(2) inserted (16.5.2017) by [The Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/88\)](#), regs. 1, **20(1)(c)**
- F11** Words in art. 2(2) inserted (16.5.2017) by [The Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/88\)](#), regs. 1, **20(1)(d)**
- F12** Art. 2(2): words in definition of "watercourse" inserted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), **Sch. 12 para. 10(2)(a)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
- F13** Art. 2(2): words in definition of "watercourse" substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), **Sch. 12 para. 10(2)(b)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
- F14** Art. 2(2A)(2B) substituted (20.3.2006) for "art. 2(2A) where it appears twice" by [Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/34\)](#), **reg. 17(2)**
- F15** Words in art. 2(2B) inserted (16.5.2017) by [The Drainage \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/88\)](#), regs. 1, **20(1)**

**Status:**

Point in time view as at 16/05/2017. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Drainage (Northern Ireland) Order 1973, Section 2.