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STATUTORY INSTRUMENTS

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**1973 No. 69 (NI 1)**

**Drainage (Northern Ireland) Order 1973**

- - - - [19th January 1973]

**DRAINAGE (NORTHERN IRELAND) ORDER 1973**

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*Changes to legislation:* There are currently no known outstanding effects for the Drainage (Northern Ireland) Order 1973. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1 — CONSTITUTION AND PROCEEDINGS OF THE DRAINAGE COUNCIL

1. The Drainage Council shall consist of eighteen persons appointed by ...
2. Where a body which the Minister is satisfied represents the ...
3. The members of the Council shall be appointed in the ...
4. The chairman of the Drainage Council shall be such one ...
5. A casual vacancy occurring in the membership of the Drainage ...
6. A member of the Drainage Council may resign his membership ...
7. The quorum of the Drainage Council shall be five and, ...
8. The Ministry, after consultation with the Ministry of Finance , ...

### SCHEDULE 2 — DESCRIPTION OF DRAINAGE WORKS, ETC.

1. Clearing of watercourses, whether natural or artificial, including— the removal ...
2. Works in connection with watercourses, whether natural or artificial, and ...
3. Works in connection with agricultural land, that is to say— ...
4. New construction, including— the diversion of watercourses, whether natural or ...
5. Removal or alteration of artificial objects such as weirs, sluices, ...
6. Sea defence works.
7. Such other works or classes of works as may be ...

### SCHEDULE2A — INFORMATION FOR INCLUSION IN ENVIRONMENTAL STATEMENT

1. Description of the drainage works or drainage scheme (“the works”), ...
2. A description of the reasonable alternatives (for example in terms ...
3. A description of the relevant aspects of the current state ...
4. A description of the factors specified in paragraph 1 of ...
5. A description of the likely significant effects of the works ...
6. The description of the likely significant effects on the factors...
7. A description of the forecasting methods or evidence used to ...
8. A description of the measures envisaged to avoid, prevent, reduce ...
9. A description of the expected significant adverse effects of the...
10. A non-technical summary of the information provided under paragraphs 1 ...
11. A reference list detailing the sources used for the descriptions ...

### SCHEDULE2B — SELECTION CRITERIA ...

1. Characteristics of drainage works or drainage schemes “the works”
2. Location of drainage works or drainage schemes
3. Type and characteristics of the potential impact

### SCHEDULE2C — ENVIRONMENTAL FACTORS TO BE TAKEN INTO ACCOUNT

1. The environmental statement shall identify, describe and assess in an ...
2. The effects referred to in paragraph 1 on the factors ...

### SCHEDULE 3 — MODIFICATION OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN ...

1. References to the Ministry or to the Council shall be ...
2. References to the said Schedule 6 shall be construed as ...

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3. Paragraph 1 shall be omitted.
4. In paragraph (2)— for the words from the beginning to ...
5. In paragraph 3(1)(ii), for the word “refuse” there shall be ...
6. In paragraph 4, the words from “and may provide” to ...
7. In paragraph 5— in sub-paragraph (1)( a ), the words ...
8. In paragraph 6(2), for the words “fund out of which ...
9. In paragraph 11(3), the words “in the prescribed form” shall ...
10. In paragraph 12— in sub-paragraph (1), the words “such” and ...
11. In paragraph 14(1), the words “in the prescribed form” shall ...
12. In paragraph 15(1), for the words “in the prescribed form” ...
13. Paragraph 19 shall be omitted.
14. In paragraph 20, sub-paragraph (2) shall be omitted.

#### SCHEDULE 4 — PROCEDURE FOR MAKING BYE-LAWS

1. Before making any bye-laws under Article 22, the Ministry shall ...
2. The Ministry shall, at the request of any person, furnish ...
3. The Ministry may make the bye-laws in the terms of ...
4. If, before the end of the period of twenty-eight days ...

#### SCHEDULE 5 — DUTIES OF OCCUPIERS WITH RESPECT TO UNDESIGNATED WATERCOURSES, ETC.

1. Subject to paragraphs 2 and 3, the occupier of any ...
2. Where an undesignated watercourse forms a boundary between land in ...
3. This Schedule shall not be construed as imposing any obligation ...
4. The Ministry may at any time, by a notice in ...
5. Any notice under paragraph 4 shall— specify in reasonable detail ...
6. When a notice under paragraph 4 has been served on ...
7. If, within the specified time, an occupier of land has ...
8. In paragraphs 7 and 9, “specified time” means— in relation ...
9. If a person on whom a notice has been served ...
10. Nothing in this Schedule shall affect the right of every ...
11. Where a person has, in order to comply with the ...
12. In this Schedule— “construction” includes any embankment, wall, valve or ...

#### SCHEDULE 6 — PROTECTION OF WATERCOURSES

1. A person shall not— place any solid matter in any ...
2. The construction, reconstruction or alteration of a bridge by an ...
3. A consent or approval required under paragraph 1 shall not ...
4. If any question arises under this Schedule as to whether ...
5. If any person contravenes paragraph 1, then, without prejudice to ...
6. If, in contravention of paragraph 1— any solid matter is ...
7. A person shall not be liable to both a fine ...
8. Without prejudice to paragraphs 5 to 7, the Ministry may, ...
9. The occupier of any land in the vicinity of any ...
10. The Ministry may, if it considers that any tree or ...
11. The giving of any consent or approval, or the approval ...
12. Nothing in this Schedule shall— operate in derogation of any ...
13. In this Schedule— “bridge” includes a culvert or other like ...

#### SCHEDULE 7 — ERNE DRAINAGE AND NAVIGATION PART I — GENERAL PROVISIONS

### The principal agreement

1. In this Schedule, “the principal agreement” means the agreement made ...
2. Subject to the provisions of this paragraph, the Ministry may ...
3. For the purposes of carrying the principal agreement into effect, ...

### Drainage of Upper and Lower Lough Erne

4. The Ministry shall be the drainage authority for the purpose ...

### Works schemes

5. The Ministry may prepare a scheme or schemes for the ...
6. After the preparation of a scheme, the Ministry shall— send ...
7. After the expiration of twenty-eight days from the service of ...
8. For the purposes of this Schedule, the provisions of this ...
9. Where, in carrying out works under this Schedule— any road, ...
10. Where, in pursuance of the provisions of the principal agreement, ...

### Finance

11. For the purposes of the principal agreement, the account known ...

### Miscellaneous and general

Paras. 12, 13, 13A rep. by 1999 NI 6

14. An Arbitration Tribunal constituted in accordance with the provisions of ...
15. Notwithstanding anything to the contrary in any statutory provision, stamp ...
16. In this Schedule— “the Board” has the meaning assigned to ...  
PART II — PROVISIONS OF THE ORDER APPLIED FOR THE PURPOSES OF THIS ...
17. The provisions of this Order applied by paragraph 8 of ...  
PART III — MODIFICATIONS OF THE PROVISIONS APPLIED BY PART II
18. The provisions of this Order specified in Part II shall, ...

— Schedule 8—Amendments

### SCHEDULE 9 — TRANSITIONAL AND SAVING PROVISIONS

— Savings for Secretary of State Transitional provisions relating to interest ...

### Savings for Secretary of State

1. Transitional provisions relating to interest payable on certain compensation

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### Savings for Secretary of State

2. The administrative powers conferred by this Order on the Ministry ...
3. Subject to the provisions of this paragraph, nothing in this ...

### Saving for powers under other statutory provisions and powers of ...

4. Nothing in this Order shall, except when otherwise expressly provided, ...
5. Notwithstanding the repeal of any statutory provision by this Order— ...
6. Nothing in this Order shall affect the provisions of sections ...

— Schedule 10—Repeals

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